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POLITICAL SCIENCE QUARTERLY.

OUR TWO GREAT PARTIES: THEIR ORIGIN AND TASKS.

I. The Democratic Party.

NOTHING is more false than the cynicism, uttered often of late, that the end for which parties exist is the power and patronage of office. It is true that this is the end of the "party boss" and the "party machine," but it is not the end of parties themselves. Every legitimate party — and one may add that every great and durable party is legitimate — comes into being in order to do a particular work in the service of the state. Parties are born of public wants. It is with the state as with other organisms; its development waits on the satisfaction of its new wants. When in the course of this development a want appears for which the policy of the government and the policies of existing parties do not provide, then, in order to procure for it the satisfaction which cannot be found elsewhere, those citizens to whom this want appeals most strongly organize as a political party. To provide satisfaction for the particular public want which calls it into existence is the proper work of every party — the task assigned it by its master, the state. The success of a party depends on the clearness with which it perceives and on the fidelity with which it executes its allotted task. A just idea of this task is essential to every one who would be a good citizen. With this idea before him, he knows what the policy of his party should be, and he is able to do his share in securing its adoption and observance; without this idea, he is at the mercy of associates whose aim is to use

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party for the advancement of their own personal fortunes. Scarcely less important is a true conception of the tasks of parties other than one's own; for it enables each one to judge with fairness the conduct of all and to occupy a standpoint sufficiently elevated to command the entire political field. But the best way to ascertain with precision what are the tasks, both general and specific, of any given party, is through a study of its origin. It is when it is first received, that a commission is most legible.

1. *Origin of the Democratic Party.*

This, the older of the two great parties of the present, was organized on a national basis within the first five years after the inauguration of Washington. The situation at that time was as follows: The state parties which had led the way hitherto in the treatment of public questions could do so no longer. With the establishment of the new constitution the centre of political interest had shifted; national concerns were now uppermost and were destined to remain so. But national parties had not as yet come into existence. The struggle over ratification which began in 1787 had taken the form of a series of state campaigns, in which each commonwealth decided for itself the matter at issue. Nevertheless there were certain features of the contest which prepared the way for the approaching consolidation of local into national parties. The questions debated were everywhere the same. From New Hampshire to Georgia, identical or very similar arguments were urged for and against the new plan. The leaders, and in particular those who were friendly to the proposed change, did not confine their efforts to their own states. In all of the commonwealths the influence of Washington was felt; in many of them the same was true of Madison and Hamilton, and, on the other side, of Henry and Lee. This hearty co-operation of political leaders belonging to the different states was a long step towards the union of their followers in national party organizations. But the event which finally effected this union and made it durable was the adoption of a definite and strongly national policy by the new federal government.

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This policy, devised in the main by Hamilton, but receiving the cordial and earnest support of Washington, ran in important respects counter to the predilections of the majority of the American people. In the first place, its manifest and indeed avowed tendency to nationalize the Union offended those who still believed in the sovereignty of the individual states. In the second place, the energetic use which the government made of powers like that of imposing excises, which, although denied to its predecessor, were explicitly conferred by the new constitution, alarmed those who were averse to strong government and in particular to a strong central government. The bold appropriation of other highly important powers, such as that of creating a bank, on the ground that they were conferred by implication — a principle which seemed of indefinite extensibility — had a like and even greater effect. Again, the financial policy of Hamilton, although it restored public credit and gave a healthful stimulus to general industry, was obnoxious to many because it established an alliance between the government and the owners and managers of capital, and thus threatened to bring into politics the corrupting influence of the "money power." To others this policy was objectionable because they thought that it sacrificed the interests of the South, where "the debt was owed," to those of the North, where "it was owned." In the fourth place, when the government at the beginning of the struggle in Europe declared for strict neutrality and made earnest endeavors to compose the old and irritating differences with England, its course was altogether unpopular. France the people loved and wished to help; England they hated and wished to humble. Finally, the moderately but distinctly aristocratic tone of the administration brought it into collision with the social movement of the time, which was increasingly democratic, and, what was of greater immediate importance, gave color to the charge, made repeatedly by Jefferson and his friends, that those in control of the government were at heart traitors to republicanism, and were secretly plotting its overthrow and the reintroduction of monarchy. We have, it is true, convincing proof that the accusa-

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tion was false; but it was honestly made, was widely believed and had very great influence. One noteworthy result was that it led the opposition to pose as defenders-in-chief of the constitution against those who had taken the leading part in framing it and in securing its adoption. Despite its untruth and injustice, the delusion in respect to the anti-republican spirit and purposes of the Federalists was useful in repressing revolutionary tendencies, and in developing loyalty to the new system among those who at first regarded it with suspicion if not enmity.

It was during the five years beginning with 1789 that the government, in a series of remarkable measures, defined its policy in reference to the matters named above, and that the different classes of citizens whom it offended began, with little regard to state or sectional lines, to draw together and to act with a common purpose. At first the opposition was prompted more by instinct than by calculation, and was both irregular and ineffective; but before the end of 1793, under the leadership of Jefferson and the discipline of repeated contests over definite issues, it became organized as a durable and formidable party.[1] But organization does not provide the material of which a new party is composed; it can only bring together material already in existence. Hence the real beginnings of a party must be sought for, not in the few months or years during which its organization is effected, but in a greatly extended earlier period. They are to be found only in the slow growth

[1] In a letter written to Washington, dated May 23, 1792, Jefferson summarizes his objections to the policy of the government. In the arraignment of the funding scheme and associated measures he asserts, under the form of reporting the views of others: "That all the capital employed in paper speculation is barren and useless, producing, like that on a gaming table, no accession to itself, and is withdrawn from commerce and agriculture where it would have produced addition to the common mass: that it nourishes in our citizens habits of vice and idleness, instead of industry and morality: that it has furnished effectual means of corrupting such a portion of the legislature as turns the balance between the honest voters whichever way it is directed: that this corrupt squadron, deciding the voice of the legislature, have manifested their dispositions to get rid of the limitations imposed by the constitution on the general legislature, limitations on the faith of which the states acceded to that instrument: that the ultimate object of all this is to prepare the way for a change from the present republican form of government to that of a monarchy, of which the English constitution is to be the model." Jefferson's Works, III, 359.

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of ideas and convictions which are the foundation of political character, and as such determine the attitude of citizens toward public questions. There must have been Democrats before there could be a Democratic party; and the beginnings of the party are to be traced in the processes which developed in citizens the spirit and purposes of democracy.

We have seen that antagonism to the centralizing and conservative policy of the early federal administrations was the immediate motive that led to the formation of the first Republican, or as we now term it, Democratic party. But this antagonism itself was the fruit of the progress of many centuries. Indeed it is not too much to say that to its growth every influence ministered which worked for the establishment of two ideas: first, that citizens should have equal civil and political rights; second, that government should be under the control and in the service, not of privileged classes, nor of favored individuals, but of the people. Looking simply at the field of American history, it would be just to enumerate among the causes of the origin of the Democratic party all influences which from the beginning of the colonial period carried forward at a really marvelous rate the democratization of American character. Of these it will suffice to mention three: first, that sifting process by which the persecutors of the old world sent to the leading colonies of the new those of their subjects who were most democratically inclined, — the men who, although not yet ready to concede freedom to others, were most resolute in asserting it for themselves; second, the protracted and severe but altogether wholesome discipline, economic, social, military and political, through which in the course of somewhat more than a century and a half the colonists grew into fitness for self-government; and lastly, the revolution itself, which was a social as well as a political uprising. We habitually think of this movement as one whose primary if not sole aim was to throw off British authority in order to establish American home rule. But it was also a modern and highly important phase of the ancient struggle between aristocracy and democracy. In fact the deepest cause and the most complete justification of the revolution are to be

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found in the circumstance that in the progress towards democracy which both were making, the American people had far outstripped their British kinsfolk. In 1765 the former had become democratic, while the latter were, comparatively speaking, still aristocratic. The public policy therefore which most truly expressed the political character of the English and was best adapted to serve their interests, did not truly express American political character and could not satisfactorily serve American interests. This view goes far to explain the unity which at the beginning of the struggle was so quickly and completely established between the hitherto unfriendly thirteen commonwealths.[1] It goes far to explain, in the second place, why the northernmost British dominions could not be induced to take part in the movement. They had scarcely entered on the pathway of democratic progress. The grievances which their southern neighbors felt because the British policy was anti-democratic, were to them unintelligible. It explains, too, while it does not justify, the extent, the rigor and at times the inhumanity of the crusade against the Tories. They were hated not simply as loyalists, but as aristocrats, whose policy was the restoration of the aristocratic system of England. It explains, lastly, that swift advance of the democratic spirit between 1765 and 1786, which is perhaps the most noteworthy feature of legislation and social history. But the achievement of independence and the suppression of the Tories gave to American democracy a stronger stimulus than it could bear. In most of the states shameful excesses marked the years just after the war. Democracy fell into general discredit.[2] In the reaction which followed, the conserva-

[1] It is the custom of those who look at the matter from the standpoint of the present situation to wonder that the states during and immediately after the revolution should have been so loosely and imperfectly united; but looking at the matter from the historical standpoint and keeping in mind with what reluctance every political unity submits to incorporation with others in a larger unity, we ought rather to wonder at the quickness with which the Union was formed, and at the elements of strength and durability which it possessed. It was the leaven of democracy in them all which made this possible.

[2] In the convention of 1787, Gerry, afterwards one of the foremost of Democratic leaders, said: "The evils which we experience flow from the excess of democracy." Elliot's Debates, V, 136. At the close of the convention, in giving reasons for not

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tive elements made good use of their opportunity. The constitution of 1787 — the excellent and abiding fruit of this reaction — was framed, its adoption after a doubtful struggle was secured, and the new federal government was successfully inaugurated. But the body of the people remained democratic. And soon, as has been shown above, alarm at the undemocratic character which the federal policy assumed, and sympathy with the revolution in France led to the revival of American democracy and to the formation of the national Democratic party.

2. *The Tasks of the Democratic Party.*

The circumstances of its origin show that the Democratic party began its career as the party of the masses. "The cherishment of the people," to use the quaint phrase of Jefferson, "was its principle." To advance their welfare — so far as this can be done by political means — was and is its proper work. Stated in its most general form, the task of the new party was to renew and carry forward on a national scale that democratic movement which, until the conservative reaction of 1787, had been the dominant feature of American political development. But what in its nature and aims is the democratic movement? Upon the answer much depends. The ideas respecting democracy — using that term in its broadest sense — which are held by those to whom the management of its interests is committed, determine both the quality of their leadership and, temporarily at least, the character of its fortunes. Historically the progress of a people begins with one or a few of its representatives. For a time, rightly and necessarily, the enjoyment of the "higher goods" of life which embody this progress is confined to the few. But where public conditions are healthful and progress is

signing the constitution, Gerry, having in mind the recent experiences of Massachusetts, spoke of democracy as "the worst of political evils." *Ibid.* 557. Randolph, afterwards the ally of Jefferson in Washington's cabinet, said: "In tracing these evils [those under which the United States labored] to their source, every man had found it in the turbulence and follies of democracy." *Ibid.* 138. And even Mason, the stanchest of Democrats, who thought that the new government must end either in monarchy or a tyrannical aristocracy, conceded "the injustice and oppression experienced among us from democracy." *Ibid.* 154.

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normal, participation in these "higher goods" soon begins to widen, and this process goes on until at last the humblest citizen becomes to the full measure of his capacity a sharer in them. This diffusion of the "higher" and the "highest goods" of civilization, first within national limits and then universally, is the aim of the democratic movement. In its employ are many agencies. Among the most useful of these are religious and philanthropic organizations; but the one to which the political direction of the movement falls is the Democratic party. The importance of this trust becomes clear when we reflect that the policy of the state towards the movement is the factor which decides the question of success or failure. This policy can be made to take a form which will bring it to an end long before the people have obtained any considerable portion of the "higher goods" which it undertakes to carry to them. How numerous and impressive are the illustrations of the premature arrest of the democratic movement which the history of Asia furnishes! On the other hand the policy of the state can be shaped in such a way as to promote the full, healthful and beneficent development of the movement. To cause it to take and maintain this favorable form is the proper aim of the Democratic party. Its efforts to this end, namely that of securing through political means the participation of the masses in the "higher goods" of civilization, may be roughly grouped in three divisions: first, those which seek to extend and equalize political and civil rights; second, those which seek to protect in the possession and enjoyment of rights; third, those which seek to develop and maintain in the masses that quality of citizenship which makes the wide diffusion of political privileges an advantage both to the citizen and to the state. In the policy of the party, so far as that policy has been truly democratic, these points have always been cardinal; and such they must continue until each is accomplished.

At the beginning of the party's career the duty to educate the citizen was less clearly perceived than its correlatives — the duty to extend his privileges, and the duty to protect him in the possession and enjoyment of these. For this there is a

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sufficient explanation. Without the aid of party the people had already attained to a degree of political capacity which required for its proper exercise a larger participation in government. Hence the earliest work of democratic organizations, both in colonial days and at the beginning of the national period, was not to produce capacity — influences outside of their control were doing that — but to secure room for the exercise of capacity already produced. When the national party was formed a century ago, the movement to make political privilege commensurate with political capacity was under full headway. The state democracies had already achieved notable progress in the disestablishment of privileged classes and institutions, and in the extension of the franchise. In this work the national party could not take a direct share; for the constitution of the United States had left the control of the franchise and of property rights to the states. It cannot be doubted, however, that the influence of the national party, and especially of its stronger leaders, hastened the democratization of the constitutions and laws of the states. Despite certain reactionary influences the process went on until, before the middle of the nineteenth century was reached, equality of civil and political rights had become, with inconsiderable exceptions, the rule throughout the free-labor portion of the Union. This task is now accomplished. A political equality more comprehensive than the party first contemplated is to-day the fundamental law both of the states and of the nation.[1] But the task of extending political rights involved more than the granting of the franchise. In the early stages of the democratic movement the laws and the traditions of government were unfavorable to the masses. Both had come into existence and both had received the sanction of ancient usage long before the common people had become a distinct and powerful factor in politics. It was necessary therefore to change law and tradition so as to give to each a thoroughly democratic character. This, a slow and difficult work, is now

[1] The Democratic party has not done this alone. The most extraordinary extension of the suffrage was the enfranchisement of the freedmen by the Republican party.

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also substantially accomplished. To-day, in spirit and in form our laws, our government, our institutions are democratic.

The second of the greater tasks of the Democratic party, namely, the protection of the citizen in the possession and enjoyment of his lawful rights, is one which from its very nature can never be fully accomplished. To quite an extent the opposition to the constitution and the demand that if accepted it should be amended so as to incorporate a Bill of Rights, may be looked upon as democratic efforts in defence of the rights of the individual. The same is true of the antagonism kindled by the centralizing policy of the Federalist administrations. In this, as has been shown above, the Democrats believed that the seeds of a new tyranny were germinating. In the Alien and Sedition Laws they thought that they saw the realization of their worst fears. They regarded both as harshly oppressive, and the Sedition Law as clearly unconstitutional. Years afterwards, when Jefferson was seeking to repair the broken friendship with the Adams family, he wrote Mrs. John Adams in explanation of the pardon of Callender — who, because of disrespectful utterances towards her husband, had been sentenced under this law to a term in prison — that he considered that law as unconstitutional and a nullity as "absolute and palpable as if Congress had ordered us to fall down and worship a graven image." But in the presence of these laws, what were the Democrats to do? The government was against them in every branch. The situation seemed desperate. What they did do was to formulate the celebrated Virginia and Kentucky Resolutions of 1798 and 1799. The part which these resolutions afterwards played in the service of sectionalism both North and South has done much to obscure their real character. They were not in any sense a product of the sectional spirit. They were promulgated, not in the interest of any division of the Union, but in the interest of the liberties of the people everywhere, — in the interest of Matthew Lyon of Vermont quite as much as in that of any citizen of South Carolina. The theory of the Union which they propounded is, I believe, a mistaken one. But it would have argued ill for the

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future of the Democratic party and of the American people, if the acts arraigned by the resolutions had been suffered to pass without earnest protest.

Resistance to those early measures of the federal government which were deemed oppressive developed into a settled policy of resistance to centralization. It was held that a powerful central government which rested on popular favor and possessed a full treasury must become corrupt and tyrannical. The individual citizen would not be able to control it and would not feel responsible for it; but he could share in its favors and would learn to lean upon it. Hence it became early a well-established principle of Democratic party policy to keep the federal government weak and poor. But this was not solely for the sake of the individual. It was believed that the federal government could be used by one class or section to oppress other classes or sections, and that its capacity for evil in these directions would be proportioned to its powers and to the wealth which it controlled. To a considerable degree Democratic opposition to protective tariffs has been based on this principle. One unmistakable result of such tariffs is to increase the dependence of the citizen upon government, and to enlarge the resources of government for controlling the citizen through means which appeal to self-interest. Moreover the strongest arguments of its friends have never been able to convince Democrats that the burdens and benefits of protection can be shared by different sections and classes in equal measure; but that they ought to be shared in this way, is fundamental in the Democratic code.

In earlier days the national government was looked upon as the most formidable, if not the only, source of danger to the rights which the Democratic party undertook to guard; but now other sources are revealing themselves. The states used to be considered the strongest and most trustworthy guardians of popular rights. It was this belief, as shown above, which led the Democratic party to accept the doctrine of state-rights in the extreme form set forth in the Virginia and Kentucky Resolutions. But how are the states discharging this trust? Their

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legislatures have undergone a marked deterioration.[1] In many of them a majority of the members possess few or none of the qualifications which fit men for that high and most difficult of public functions, namely, the making of good laws. The consequence is that the state governments have already become the oppressors of the people; and the prospect is that they will go on from bad to worse. To this we have decisive testimony in the fact that the people everywhere are seeking both by restrictive provisions and by direct popular legislation to place their legislatures under greater constitutional restraints.[2] Into the causes of the unhappy change we cannot now inquire; but it is clear that if the Democratic party would protect the people in their rights, it must turn its attention to the governments of the states quite as much as to that of the Union. In general the same may be said of municipal government. This is seen at its worst in the large city. Here the democratic theory as held by extremists — with whom fortunately the greater leaders of American democracy are never to be classed — would lead us to expect a political paradise. What we have, as the world knows, is something quite different. Nowhere else in civilized lands are the most sacred rights of the citizen trampled under foot in so swinish a manner. Here therefore the Democratic party, the party of the masses, has an urgent duty to perform. Another of the newer sources of oppression is party. To break, in the interests of free and responsible citizenship, the despotism which party, or rather the party machine, has established, is a task which belongs indeed to all parties, but especially to that one which proclaims that resistance to oppression is the highest of political duties. But of this more below.

In performing the first of its greater tasks, namely, that of securing to the masses the right to share in political functions, the Democratic party was engaged for a long time in work which in good part was destructive. Before it could properly

[1] See Bryce, American Commonwealth, chapter xl.

[2] The decay of state government, and of the state (commonwealth) itself as a factor in the American political system, has been conclusively established by Professor J. W. Burgess. See POLITICAL SCIENCE QUARTERLY, I, 9 (March, 1886).

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lay the foundations of the new system, it had to break down and clear away the supports of the earlier antagonistic system. For a considerable period, therefore, its attitude towards existing law was that of hostility. This was necessary and highly useful; but it had at least one evil result: it weakened in the people that wholesome sentiment of respect for law which is one of the strongest supports of public order and of individual morality. In performing the second task, namely that of protecting the people in the possession and enjoyment of their newly acquired rights, it needs to cultivate again the law-abiding spirit; otherwise its work cannot endure. The laws, the institutions and the general system which the democracy has been laboriously building up will have need of defence. Already they are being attacked from two sides, the reactionary aristocratic and the socialistic. But in order that the party may defend law it must respect law; and before it can respect law it must produce law that is worthy of respect.

The third task, that of political education, is the one to which the party has given least attention. One reason for this is the unfortunate prevalence of what may be called the theory of natural political equality. This began to find favor about the middle of the last century and was widely accepted at the time of the American and the French revolutions. It affirms that there is, in justice, no such thing as political privilege, that full and equal participation in government is the natural right of every citizen. If this theory is true, the sole aim of a party devoted to the masses should be to secure for them what nature intended but men had denied. There were some, however, who insisted long ago that education was essential to the success of democratic institutions. Among these was Jefferson. Aside from his strenuous warfare upon privilege, there is perhaps no feature of his conduct so noteworthy as his zeal and efforts in the cause of education. "If a nation," he wrote in 1816, "expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." [1]

It must be evident to every one who studies carefully the dif-

[1] Works, VI, 517.

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ferent forms of government (national, state, municipal) in the United States, that one prolific source of their imperfections is the possession of the ballot by multitudes, both North and South, who are not yet qualified to use it rightly. In the cities and to a considerable extent in the states at large, the cause of good government has been sacrificed to the too early realization of the democratic ideal of general and equal suffrage. But the American people, in whom the sense of the practical is strongly developed, will not always submit to bad government for the sake of a political ideal. In order to guard against a reaction even more strongly anti-democratic than that of 1787, the Democratic party should see to it that the quality of the citizenship of the masses is raised. Its own welfare as well as that of the country demands this. But how shall the result be accomplished? In the first place it should cherish, maintain and perfect the two most important sources of political education, namely the schools and local self-government. In its school policy it should give a prominent place to those studies which are calculated to promote good citizenship. It should not be content with primary schools, nor with a system that unites primary and secondary schools, but by founding institutions and by establishing generous scholarships and fellowships it should aim to place the higher and the highest education within the reach of the most capable and aspiring sons and daughters of the poor.[1]

Of not less importance than the schools in the political education of the people is local self-government. The growth of the capacity of the citizen for the service of the state depends on the degree of his interest in public questions, and on the extent of his responsibility for their right treatment. Local self-government in its various forms — state, county, township, parish, ward, district — brings the citizen face to face with public questions concerning which he is well-informed, which visibly

[1] Jefferson's plan for the educational system of Virginia provided for secondary schools and a university as well as primary schools. He was the father of the University of Virginia, an institution which holds an enviable place among the best of those which are devoted to higher learning in America. See Professor H. B. Adams' excellent monograph, Thomas Jefferson and the University of Virginia.

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affect his own interests and the interests of his neighbors, and in the settlement of which his voice and influence may count for much. Indeed so important a factor in the training of the citizen is local self-government, that we may well question whether any people destitute of it can ever be practically self-governing. Jefferson's estimate of its value, given in old age, is impressive:

> It is by dividing and subdividing these republics, from the great national one down through all its subordinations, until it ends in the administration of every man's farm by himself — by placing under every one what his own eye may superintend, that all will be done for the best. What has destroyed liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether of the autocrats of Russia or France, or of the aristocrats of a Venetian senate. And I do believe that if the Almighty has not decreed that man shall never be free, (and it is a blasphemy to believe it) that [*sic*] the secret will be found to be in the making himself the depositary of the powers respecting himself, so far as he is competent to them, and delegating only what is beyond his competence, by a synthetical process, to higher and higher orders of functionaries, so as to trust fewer and fewer powers in proportion as the trustees become more and more oligarchical. The elementary republics of the wards, the county republics, the state republics and the republic of the Union would form a gradation of authorities, standing each on the basis of law, holding every one its delegated share of powers, and constituting truly a system of fundamental balances and checks for the government. Where every man is a sharer in the direction of his ward-republic or of some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the state who will not be a member of some one of its councils, great or small; he will let the heart be torn out of his body sooner than his power be wrested from him by a Cæsar or a Bonaparte. How powerfully did we feel the energy of this organization in the case of embargo? I felt the foundation of the government shaken under my feet by the New England townships.[1]

The institutions of local self-government were planted long before the national Democratic party came into being, but it was to do good service in maintaining them, especially in the state form. It is true that for a considerable period entanglement

[1] Works, VI, 543.

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with slavery influenced its conduct in this respect; but long before slavery became a prominent issue, the Democratic party was the champion of the states, and it is their champion still.

The newspaper press is at the present day a useful and powerful means of popular education. Its influence over the masses is particularly strong; but they need from it a higher quality of service than they are now receiving. They need a press not less enterprising, nor less studious to please healthful tastes, than that of the present, but they need one which shall give less space to the brutish doings of mankind, and more to the activities which make for progress.

But the ways in which party exerts the most direct, if not the most powerful, influence upon the quality of citizenship are two: first, through the spirit and methods of party management; second, through the character of the different forms of government which party controls, and for which, therefore, party is responsible. It can hardly be doubted that the great body of the people receives a very large and possibly the larger share of political education at the hands of party. For the citizen who is merely a voter, party names the candidate and the measures that he supports; for the citizen who desires preferment, party is the only road to political office; for the citizen who would serve the state, party furnishes the readiest and most effective means. Hence since the people do their political work under the direction of party, party becomes a potent factor in shaping political character. In fact parties and party leaders do for adults very much what schools and teachers do for youth. The standard of public service, the spirit and the methods which prevail in a party, tend to reproduce themselves in all its followers. Any party, therefore, which entrusts the management of its interests, state or national, to men who are bad citizens, and countenances these in the employment of methods which are dishonorable and demoralizing, is sapping the foundations of citizenship. In this way it can do more to destroy, than local self-government, the public-school system and the newspaper press can do to build up, the qualities which make good citizens. Of what use, for example, is local self-government — which is of value mainly

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because it trains the individual to independent thought and action in respect to public affairs — if rings and bosses usurp within the local sphere the functions which belong to the citizen? Apparently the greatest failure of the American party system in its present stage of development is that the methods and management of the stronger parties are calculated to depress rather than to raise the quality of citizenship of their followers. We must concede in this point the superiority of the English system.

The second way in which parties influence citizenship, namely through the character of the different forms of government which they control, is likewise of the first importance. The motive of government should be to advance as much as possible public welfare; its personnel should include the best citizens, and none but good ones; its methods should be the most effective within the range of its choice, and at the same time they should conform to the highest standards of morals and decorum. In so far as governments meet these requirements they set before the citizen, in a way which is both attractive and impressive, a model of what he should strive to be and to do. Their influence, exerted constantly and powerfully, tends to develop the best elements of civic character. In so far, on the other hand, as governments depart from these requirements, their influence is for harm. Instead of confirming they weaken what is good; instead of rebuking they encourage what is evil. But under the existing system, governments, national, state and municipal, are in the service and under the control of party. If, therefore, the Democratic party would succeed in what has been described as the greatest and most difficult of its present tasks, namely, to develop and maintain a high quality of citizenship in those who in a special sense are under its charge, it needs to become everywhere, in city and state as well as at Washington, the strenuous and consistent champion of good government.

What is the bearing of these general tasks upon the policy of the party towards the leading public issues of the present day? Here there is room for disagreement; but in the judgment of the writer it may be stated briefly as follows:

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The party policy should continue to be anti-sectional. From the beginning one of the most difficult and costly, but at the same time one of the most useful of its services, was to assist in holding together the discordant sections until the northern — by far the more democratic of the two — should become strong enough to maintain the Union by force. Of the different bonds which united North and South, the Democratic party was the strongest, and was the last to break. In performing this service it sacrificed consistency, and for a time was untrue to fundamental principles. But it did this, we must in all fairness concede, not so much in the service of slavery as in that of the Union. To-day its duty towards the sections is of a less compromising nature. The present task, that of reconciliation, while involving no betrayal of principle, does tend to broader sympathies and a more healthful political character.

In the early days it was difficult to adjust rightly the relations of American democracy to the French variety, which displayed such strongly marked socialistic and centralizing tendencies. It was important that sympathy and friendship should subsist between the two systems; it was more important that the democracy of the United States should not come under the control of that of France. To-day this danger has passed away. American democracy is too large a thing to be swerved from its course by outside influence. But a new embarrassment has now arisen. How shall the Democratic party deal with the socialistic and centralizing tendencies of its own adherents? It is dangerous to ignore these tendencies, for they are strongly established, and there may be in them an element of reasonableness. On the other hand it is clear that socialism is incompatible with the distinctive principle of American democracy. Socialists and democrats have at heart the same interest, namely the welfare of the masses; but their methods are diametrically opposed. The socialist depends upon the community or the state, the democrat upon himself. Neither can accept the principle of the other without surrendering his own. Viewed from the democratic standpoint, the introduction of the social-

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istic régime would mean the destruction of the most valuable elements of political character.

As the champion of the masses, the Democratic party gave early a welcome to the immigrant and advocated a short term for naturalization. Without question some evils resulted; nevertheless this policy is now accepted by the rival party. The advantage of the policy is that speedy admission to the rights of citizenship hastens the process of Americanization. In the Federalist period the immigrant would have fared ill if the Democratic party had not received him and begun his political training. To-day the welcome which both parties extend to him does something to keep the immigrant from swelling the ranks of the dangerous classes. One of the things which a modern civilized country cannot afford is a multitude of inhabitants who are not citizens. There is, however, ground for thinking that the Democratic party should now modify its traditional policy with respect to immigration. It is having more than enough to do in discharging its duties towards its American constituency; to enlarge and at the same time to debase this constituency by encouraging the influx of intractable foreigners, is to say the least imprudent. Adherents who cannot be easily Americanized are a source of weakness rather than of strength to the party.

The tariff policy of the Democratic party is calculated to foster good citizenship. Whatever may be thought of the claim that a lower tariff will conduce not only to a more rapid increase of national wealth but also to its more equal and just distribution, it will be conceded that freer trade with other peoples must in certain ways exert a favorable influence upon character. It excludes that traffic between party and government on the one side, and protected interests on the other, which is a marked and injurious feature of high protection. It excludes also that ignoble form of extreme nationalism which is not ashamed to claim as a recommendation of the protective policy that it enables us, the richest and most prosperous people of the world, to compel our "poor relations" in Europe to pay

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a very considerable percentage of our taxes. In seeking to free every class and section from paying tribute to any other class or section, it defers to and fosters a sentiment of justice. In seeking to wean the American producer from an enervating dependence on government, it builds up again that element of character which is the secret of American success, namely, self-reliance.

The favor which a large section of the party extends to the scheme for the free coinage of silver is inconsistent with democratic principles as well as with the best democratic traditions. In so far as the motive for free coinage is to enhance the price of silver, it appeals only to those who hold the anti-democratic doctrine that for certain classes of producers government ought to provide profitable markets at the cost of the general public. In so far as the object is, through cheapening the money unit, to discharge debts by the payment of less value than was understood at the time when the debts were incurred, the result must be to injure the character of those who seek to profit by repudiation, and of the party which consents to become their advocate. It was acts based upon motives such as this which, soon after the revolution, brought the state democracies into lasting discredit, and gave to the party of Hamilton rather than that of Jefferson the control of the government during the Federalist period.

Lastly, because its membership includes tens of thousands over whom employers can exert undue influence, and other tens of thousands to whom the vote-buyer has an access all too easy, the Democratic party is vitally interested in the establishment of the secret ballot. Rightly estimated, measures which save the citizen from casting a truckling or venal ballot do him and the country a greater service than measures which raise his wages or lessen for him the cost of living.

In general it may be said of each feature of Democratic policy that it is right and profitable in so far — and only in so far — as it helps the party to accomplish its tasks as the protector and educator of the masses.

ANSON D. MORSE.

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THE ASSOCIATION OF THE FIRST CONGRESS.

IN September, 1774, there met in Philadelphia some fifty-six Americans, from twelve colonies, who came together "to adopt a plan" for "obtaining a redress of those grievances"[1] imposed by the Parliament of Great Britain on what were soon to be known as the United Colonies of North America. The task was one which the "Congress" thus formed might well have despaired of accomplishing. As against the strongest nation of Europe, and one which claimed and had hitherto exercised practically unlimited sway over these very colonies, the so-called delegates were to devise some "legal measures"[2] through which the action of a venal Parliament might be reversed, and legislation repealed which was avowedly based on mercenary motives.

Had these delegates been armed with any real power, their task would not have been so formidable, even though they had neither representation nor influence in the English government. The control of an army and a navy, the possession of funds to buy enough seats in the English Parliament to give a voice in that body, the support of a united colonial government, the assurance of a unanimous constituency, or even the claim to a legal existence — would have gone far to place the "Congress" in a position to enforce its wishes against Great Britain; but it possessed none of these resources. Any attempt to raise an armed force would probably have been opposed by a majority of the people and would certainly have been treated as treason by the government. Powers of raising money were entirely lacking. Neither home nor colonial executives recognized the "Congress's" action. The two and a half millions of people who inhabited the twelve colonies were much divided in opin-

[1] Pennsylvania resolves, Journals of Congress, I, 6.

[2] South Carolina resolution, Journals of Congress, I, 9.

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ion, and many were opposed to even the existence of this Congress. In neither grant, charter nor law did the body find the slightest authorization. In short, an assembly of an extra-legal character was to obtain, without violation of law, a virtual veto power on all colonial legislation, from a King and Parliament resolutely bent on maintaining their supremacy.

Only one method was open through which to exert any influence on the home government. The Americans, said Burke, "can only work on the ministry through the [English] people."[1] To secure as allies the constituents of the members of the English Parliament was almost equivalent to obtaining a direct representation in that body. But the English people had been taught to believe that colonies were to states what private investments were to individuals, and therefore should in the first instance be made profitable to the mother country. To establish the idea that legislation shaped for this purpose was unjust and iniquitous, then, was no easy task, and especially since the ministry had promised, as a result of these laws, a reduction of taxes in England. To counterbalance the selfish interests thus enlisted, the Americans sought to arouse others of greater weight. Trained in all the theories of the mercantile system, America had been taught to believe (1) that two countries could continue to trade, though one of necessity did so at a loss; (2) that in the trade between England and the colonies, the former both through natural advantages and through law was the party to which the profit accrued; (3) that England was "a shop-keeping nation,"[2] whose very existence depended on her trade and manufactures. A suspension of trade between England and America therefore would mean misery, if not ruin, to the mother country, while the colonies would "both save and gain."[3] With measures of non-importation, non-exportation and non-consumption, accordingly, did this otherwise powerless body hope to coerce the English people and government. Though founded on an economic fallacy, this method

[1] Burke, Correspondence, I, 473.
[2] Josiah Tucker, Letter from a Merchant of London (1766), p. 46.
[3] B. Franklin, Works, V, 433.

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of action was certain to have a great effect in England. Twice already had it been employed on a limited scale — against the Stamp Act and against the revenue acts, — and each time with sufficient success to warrant the belief that its wider application would result in victory. Now the agents of the colonies in London were writing home: "If you have virtue enough to resolve to stop, and to execute the resolution of stopping, your export and imports for one year, this country must do you justice";[1] and again: "If you make and keep firmly resolutions not to consume British manufactures till your grievances are redressed, this ministry must fall and their laws be repealed. This is the opinion of all wise men here."[2] In Parliament it was asserted that "the Americans had been taught that they had nothing to do but threaten our merchants with ruin and our manufacturers with famine, and then, upon such threats, the legislature must submit to their will."[3]

In both England and America the temporary destruction of British trade was viewed not merely as an effective weapon, but as the only peaceful one which the colonies possessed. A failure to unite in a non-importation agreement against England would, according to a prominent English politician, leave nothing for the colonies "but to decide between ruin and submission."[4] The question for the Congress was not, therefore, a choice of remedies, but merely whether, and to how great an extent, the delegates could be brought to agree to the only one within their reach. For even while accepting the system as effective against Great Britain, the delegates and their constituents had so far progressed as to realize that it bore with uneven force on the different colonies. The southern colonies were really no more diversified in their industries than the West India islands. South Carolina grew rice and indigo; North Carolina depended largely on tar, pitch and turpentine; Virginia raised tobacco. Unless these products could be exported to Europe, those colonies might suffer for the necessaries

[1] A. Lee, Life, I, 39. [2] B. Franklin, Works, V, 360.
[3] Sir William Meredith, Almon's Parliamentary Register, I, 171.
[4] Lord Germain, Historical MSS. Commission, 9th Report.

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of life. But the whole export trade had hitherto been carried on through Great Britain. In a lesser degree the large populations around Philadelphia and New York relied on the trade which their advantageous waterways had brought to them. Would these colonies agree to sacrifice their interests for the general good?

The first consideration of the subject in the Congress revealed serious difficulties. The Virginia delegation, "to avoid the heavy injury that would arise,"[1] were prevented by their instructions from agreeing to an immediate cessation of trade relations. Imports could cease on November 1, 1774, but exports must continue till August 10, 1775. It was in vain they were told "that a non-exportation at a future day cannot avail," and that at the Virginia date non-exportation would not operate before the fall of 1776.[2] The Virginians had determined to cure and sell their tobacco crop of 1774 before "consideration of interest and of equality of sacrifice should be laid aside."[3] So vital, however, did most of the delegates consider the immediate enforcement, that it was proposed to act without Virginia; for Boston and New England, it was said, would need active support before that date.[4] This proposition was defeated by the refusal of the delegates of North Carolina and Maryland to join unless Virginia should also make the sacrifice.[5] With sorry grace the Congress had to accept the dictation of Virginia.

But the trouble did not end here. Virginia's selfish interest having been triumphant, the South Carolina delegation sought for an equal advantage, and demanded that the two great products of that colony should be especially reserved from the non-exportation clause. It was clearly realized that if this should be granted, it would be followed by like demands from each of the colonies, till the non-exportation clause would be a mere farce. Accordingly, rather than yield, the Congress preferred a cessa-

[1] Virginia instructions, Force's American Archives, 4th, I, 689.
[2] Samuel Chase; Works of John Adams, II, 384.
[3] R. H. Lee; *ibid.* 386. [4] C. Gadsden; *ibid.* 384.
[5] H. Drayton, Memoirs of the American Revolution, I, 168.

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tion of business for several days, in order "to give our [South Carolina] deputies time to recollect themselves."[1] But when the Association was ready for signing, the South Carolina delegates, with but one exception, seceded from the Congress, and their assent was only secured eventually through a compromise, by virtue of which rice alone was excluded from the agreement, while indigo was brought under its terms.

Such were the secret deliberations of the Congress, in endeavoring to unite the colonies in the use of their only weapon. The first public results appeared in the form of a unanimous resolution, passed and published on September 22, requesting "the merchants and others in the several colonies not to send to Great Britain any orders for goods,"[2] and to delay or suspend orders already sent. Five days later it was unanimously resolved that after December 1, 1774, "there should be no importation into British America from Great Britain or Ireland, or from any other place," of any goods, wares or merchandise exported from Great Britain or Ireland.[3] Three days later, with no assertion of unanimity, a resolution was announced to the effect "that from and after the 10th day of September, 1775, the exportation of all merchandise and every commodity whatsoever to Great Britain, Ireland and the West Indies ought to cease, unless the grievances of America are redressed before that time,"[4] and a committee was appointed to draft a plan for carrying into effect these resolves. On October 12 this committee brought in a report, which, after consideration and amendment, was on the 18th of October agreed to and ordered signed. On October 20 it was signed and ordered to be printed.[5]

Possessed of no real power, the Congress relied on the people to enforce this agreement. It was recommended that in every county, city and town a committee be chosen "whose business it shall be attentively to observe the conduct of all persons touching this Association."[6] With hardly an exception, this

[1] H. Drayton, Memoirs of the American Revolution, I, 168.
[2] Journals of Congress, I, 20. [3] *Ibid.* I, 21. [4] *Ibid.* I, 21.
[5] Force's American Archives, 4th, I, 816. [6] Journals of Congress, I, 35.

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recommendation was adopted. In a few towns and counties protests were signed and attempts were made to nullify the agreement; but the attempts failed, and the signers of the protests met with persecution. The pleas of the "fair traders" even were disregarded. An almost unanimous belief prevailed even among those who thought the Association a mistake, that it was the only peaceful method of defence, and its recommendations were obeyed as few laws have been.

Thus the colonies virtually declared themselves in a state of blockade so far as Great Britain and her colonies were concerned, but it was a blockade which involved little self-denial for the Americans. The non-importation clause had apparently been anticipated. One correspondent wrote to England: "We are overstocked with English goods."[1] An ardent opponent of the Association claimed that the New York merchants had prepared for it by importing much more largely than usual;[2] and though this was promptly denied by another pamphleteer,[3] even he acknowledged that "the goods at present in this country will, with care, be sufficient to last three years."[4] An earnest friend of the colonies spoke of "the extraordinary stock of goods, laid in by the colonists last year, though said to be sufficient for the consumption of two."[5] With this condition, and the postponement of the non-exportation clause for nearly a year, it was obvious that the Congress's policy of "exhausting its opponents by injuring itself"[6] was hardly to have a fair trial. What results would it produce in England?

The constitution of Parliament was such as to give the commercial and manufacturing centres only a small representation. The towns which afterwards petitioned in favor of America could control at most but a dozen votes. In an evenly divided Parliament they might have exerted an important influence.

[1] *London Chronicle*, November 27, 1774, xxxvi, 2804.
[2] S. Seabury, Free Thoughts on the Continental Congress (1774), p. 13.
[3] A. Hamilton, A Full Vindication, Works, II, 28.
[4] *Ibid.*, The Farmer Refuted (1774), p. 68.
[5] R. Glover, Substance of the Evidence on the Petition (1775), p. 38.
[6] Henry Adams, History of the United States, III, 145.

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But this had been foreseen by George III,[1] and before the results of the Congress had reached England, for the first time in his reign he dissolved Parliament and precipitated a general election. In this, at an average cost of £2500,[2] the King bought enough seats to assure the government a majority that could overcome all opposition. A few members were pledged to secure the repeal of the "American Acts," but the election as a whole had hardly been fought on that issue, and Parliamentary action would proceed as the ministry directed. The decision of the question had passed beyond the power of the English electors, and whether the merchants and traders could make the government give way was the political problem.

On the 5th of December, 1774, the first news of the definite action of the Congress reached London as a rumor.[3] Not till five days later was it made public in the press, and then only the non-importation clause.[4] On the 13th the mail from New York arrived,[5] and the Association was printed in full in the newspapers of the 15th–17th.[6] Parliament was then in session, but relying on the expected failure or division of the Congress, the ministry was without plans[7] for dealing with the new situation, and an adjournment over the holidays was moved and carried before any action was taken by either the government or the opposition.

Even before the adjournment, however, a notice was published calling on the "merchants of London trading to North America"[8] to meet at the King's Arms tavern on December 23. The call was anonymous,[9] and it was even suspected that Lord North had instigated it as a government manœuvre, "hoping the merchants would be mediators between the Parliament and the colonies."[10] The meeting was so poorly attended that those present adjourned till January 4, 1775. On that day

[1] Correspondence of George III, I, 201.
[2] Historical MSS. Commission, 10th Report, VI, 7–11.
[3] Walpole's Journal of the Reign of George III, I, 437.
[4] *London Chronicle*, December 10, 1774.
[5] *Gentleman's Magazine*, xliv, 566.
[6] *London Chronicle*, December 17.
[7] Walpole's Journal, I, 438.
[8] *London Chronicle*, December 22.
[9] *Ibid.* January 7, 1775.
[10] Walpole's Journal, I, 444.

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between three hundred and four hundred persons assembled,[1] and after discussion appointed a committee to prepare a petition to the House of Commons.[2] A week later this committee reported a draft, drawn by David Barclay,[3] with the assistance of Arthur Lee and Benjamin Franklin, and revised by William Baker,[4] member of Parliament for Hertfordshire, which after "much debate without any real difference of opinion" was unanimously accepted and signed by some five hundred merchants. Alderman Hayley, member for London, a prime mover in the whole matter,[5] was deputed to lay the document before the House of Commons. This petition[6] recited at length the trade relations which had existed between Great Britain and North America and the injurious effects thereon of past legislation, and prayed "redress in these particulars as well as in the operation of all other acts which may affect the general trade carried on between this country and North America." Of the incident Burke wrote:

> The alarm among the American merchants is strong, but as yet not strong enough to get the better of their habitual deference to administration. The petition as it was first prepared by the merchants was to the last degree cold and jejune. Not a word purporting the least dislike to the proceedings of the last Parliament. [It] is far and far enough, even now, from what in common sense it ought to be.[7]

In fact the Congress had expected by selfish legislation to make the British merchants "generously" fight American battles; the merchants were only fighting their own.

At the instigation of John Ellis,[8] a Jamaica merchant, the West India planters and merchants of London met and signed a separate petition, the basis for which was drawn by Rose Fuller, member for Rye, and somewhat altered by Ellis, expressing "alarm" at the Association, and a fear of the loss of

[1] *London Chronicle*, January 7, 1775.

[2] Force's American Archives, 4th, I, 1086, 1107.

[3] Franklin's Works, V, 416. Diary of Thomas Hutchinson, I, 402. Burke's Correspondence, II, 6.

[4] Burke's Correspondence, II, 6.

[5] Walpole's Journal of the Reign of George III, I, 442.

[6] *London Chronicle*, January 26, 1775.

[7] Burke's Correspondence, II, 6.

[8] *Ibid.* II, 7. Correspondence of R. Izard, I, 37.

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trade and debts, but containing not one word in favor of the American cause.[1] Two meetings were held in Bristol, in both of which petitions were prepared, one being drawn by Richard Champion, who was somewhat assisted by Edmund Burke.[2] The example of London and Bristol was followed by the merchants and manufacturers of Wolverhampton, Liverpool, Manchester, Belfast, Norwich, Glasgow, Dudley, Nottingham and Waterford. According to Hutchinson, great pains had been taken throughout the kingdom to procure petitions in favor of America, but the number was "surprisingly small."[3] And the effect of these was largely neutralized by counter petitions from Birmingham, Trowbridge, Poole, Nottingham and Huddersfield, praying for severe measures against the colonies. In fact, a large part of the manufacturing classes believed with the ministry that "such an unnatural combination, from the very nature of it, must shortly be dissolved,"[4] and that the sooner the Americans were forced to submit, the better. As a consequence, so wrote one leader of the opposition, "the merchants and others, stirring upon a particular bill only when it pinches them, will do no good."[5] The mercantile interests, said Burke, are "passive, and some worse than passive;"[6] and another observed that they "sit perfectly satisfied and contentedly."[7] Even the petitioners for redress, while expressing "with great humility" fears of a loss of trade, neither demanded nor suggested any remedial legislation, trusting in the "wisdom of Parliament."[8]

The wisdom of Parliament was the wisdom of the ministry. Relying on the letters of the colonial governors, the latter had expected a miscarriage of the Congress, and so had prepared no line of policy with which to meet the new emergency. In this condition they were faced by the unanimous action of the colonies. The cabinet wavered and the fate of America hung in the balance for several days. Lord North was "disposed to

[1] Force's American Archives, 4th, I, 1147. [2] Burke's Correspondence, II, 3.
[3] Diary of T. Hutchinson, I, 390. [4] Lord North, Parliamentary Register, I, 440.
[5] The Duke of Richmond; Memoirs of Rockingham, II, 290.
[6] Burke's Correspondence, II, 2. [7] Correspondence of R. Izard, I, 79.
[8] Nottingham Petition, Parliamentary Register, I, 171.

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promote a reconciliation upon any terms honorable to government,"[1] and through Lord Howe he sounded Franklin as to the terms necessary to re-establish a good understanding. With Lord Dartmouth, who like himself was both moderate and inclined to conciliatory measures, the prime minister proposed a commission, which would probably have included Franklin and Pownall,[2] to go to America and examine into and virtually settle the whole dispute.[3] After having spoken of and treated the Congress as an illegal body, the King was induced to receive their petition. It was an almost universal impression that the government would yield, and that peace would be restored. Even members of the government "reprobated their own measures."[4] Had they acted promptly, there is little doubt that a peaceable adjustment would have followed. But Lord North wished to "eat mince pies and drink Christmas ale,"[5] and even the agents of the colonies helped to delay prompt action; and so Parliament was adjourned. The delay gave the extremists in the government time to act. George III negatived the project of a commission.[6] The "Butist Junto" intrigued, with much prospect of success, to remove North and Dartmouth.[7] Lord Hillsborough begged North with tears to resign.[8] "Nothing kept him from resigning but his love of money and his father's desire that he should keep in till all his connections were provided for." Deeply in debt, even to his tradesmen,[9] his private affairs compelled him to give way, and at a cabinet council held January 12, 1775, it was decided to adopt coercive measures with the colonies.[10]

Parliament met on January 19, 1775, and on that day a great mass of papers relating to America was laid before them.[11] Though on the surface only a routine proceeding, this was

[1] Franklin, Works, V, 475.
[2] *Ibid.* V, 475.
[3] Correspondence of George III, I, 216.
[4] Life of A. Lee, I, 211.
[5] Burke; Parliamentary Register, I, 107; Walpole, I, 445.
[6] Correspondence of George III, I, 219.
[7] Walpole, II, 440.
[8] Diary of T. Hutchinson, I, 378.
[9] Historical MSS. Commission, 10th Report, VI, 18.
[10] Bancroft, Hist. of the U. S., IV, 442. Walpole, II, 445.
[11] Parliamentary Register, I, 31.

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in reality an index of the future policy of the ministry; for in this collection, undistinguished and without comment, was the petition of the Congress to the King from which so much had been hoped. The documents were immediately referred to a committee of the whole house, to be considered on the 26th of January. On the 23d [2] the opposition began its real attack through Alderman Hayley, who presented the petition of the London merchants and asked that it be referred to the committee on American papers. Sir William Meredith, for the government, moved an amendment that it be referred to a committee on the 27th, with the obvious intention that it should not be considered in connection with the other documents. Burke at once pointed out that this amendment meant one committee "to hear evidence" and another "for burying petitions," [3] but the government carried its point, and petition after petition was referred to what was quickly termed the "committee of oblivion," while the charge was openly made that the ministry had determined that they should never be heard. To meet this situation the London merchants prepared a second petition, with a special request that it should be laid before the committee on American papers; but the request was promptly negatived.[4] The other petitions came in slowly, so that the system of coercion was far advanced before they were presented. Not till March 20 [5] were they really considered, and then it was too late for them to affect legislation. In the House of Lords, where they might still have changed votes, they were at first not even allowed presentation.[6]

In the meantime, the ministerial policy had been carried out. As America had refused to trade with Great Britain and her colonies, the government replied by acts prohibiting any such trade.[7] The policy of "exhausting its opponent by injuring itself" was at last to have a fair trial, but through British, not American action. The colonies were by law interdicted from all commerce, trade and fishing. But before the legislation went into effect blood had been shed at Lexington. The con-

[1] *Ibid.* I, 104. [2] *Ibid.* I, 111. [3] *Ibid.* I, 124. [4] *Ibid.* I, 360.
[5] *Ibid.* II, 59. Correspondence of William Pitt, IV, 400. [6] *Ibid.* I, 93, 312.

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test could no longer be fought with acts of Parliament and resolves of Congress; "blows must decide." [1]

The Association was distinctively a peace weapon. Had the Congress really expected war, no action could have been more foolish. A garrison soon to be beleaguered virtually shut its ports to supplies. No better proof is needed of how little the delegates wished or worked for separation. The declaring of the colonies in a state of rebellion and the inauguration of bloodshed announced to the new Congress the failure of its predecessor's work. They accepted the fact reluctantly. The members had hoped so much from the Association, that they were loth to acknowledge its uselessness before it had had time to act, and so it remained in force till the restrictions it established became merged in the general belligerent relation.

The necessity for munitions of war was the cause of the first inroad upon the Association. July 15, 1775, the Congress authorized the exportation of produce in exchange for powder and arms. Only six days later Franklin, once the most ardent advocate of non-intercourse, moved to throw open the ports of America to all trade. Consideration was postponed, and day after day the motion was hotly discussed, but with no result except slight modifications in the existing policy. Not until April 6, 1776, did Congress throw open its ports to foreign trade, though the prohibitions against Great Britain were of course retained. For nearly two years thus one of the most trying and severe measures ever framed in this country had been faithfully executed by the people themselves, on the mere recommendation of an unauthorized body of so-called delegates. Few incidents in American history better illustrate the power of the democratic principle.

PAUL LEICESTER FORD.

[1] Correspondence of George III, I, 215.

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THE SINGLE TAX.

THE attacks which have been made upon the doctrines of Henry George have almost all proceeded upon the assumption that Mr. George is an apostle of socialism while his critics are defenders of individualism. In fact he is the most extreme of individualists. As stated in the single-tax platform, his plan "would leave every one free to apply labor or capital in production or exchange without fine or restriction, and would leave to each the full product of his exertion." The following essay will recognize Mr. George's individualism, but will show that the logical outcome of his doctrines, so far from impoverishing property owners to enrich society, would impoverish society, by depriving it of the part-ownership which it now holds in every form of wealth, and enrich property owners by relieving them of the public duties now recognized as binding upon them.

The religious argument for the single tax need not detain us. It is that "land is the gift of God, and therefore belongs equally to all his children." Those who use this argument, themselves distinguish between "land" and the "value of land," and would inconsistently keep the land, which is the gift of God, in the possession of individuals, while the value of the land, which is certainly not the gift of God, they would divide equally among all his children. It is, however, the social argument upon which Mr. George bases his system, and it is this which demands our attention. As stated by Mr. George himself, the proposition is: "Land values arise from the presence of all"; therefore "the land belongs equally to all." A moment's examination will show that this conclusion does not follow from the premise. The land does not belong "equally" to all unless land values arise *equally* from the presence of all; but this is far from being the case. There are large classes of individuals whose

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presence, so far from increasing, absolutely decreases the value of the land. It was the removal of the American Indians which first gave value to American land. The presence of the most degraded negroes in certain sections of the South to-day, instead of enhancing land values, diminishes them. The presence of the Hungarians and Italians who pour into New York City may not absolutely diminish the value of land, but the increment due to them is demonstrably insignificant. If it were true that the value of land arose equally from the presence of all, then each Bohemian family which lands in that city would add $4000 to the value of its land. If the value of land arose equally from the presence of all, this value in different sections of the city would be in proportion to the density of the population; yet in the tenement-house districts, where the density of the population is five times as great as on Murray Hill, the value of the land, instead of being five times as great, is not one-fifth as great. In the same way, if the value of land came equally from all, its price in different parts of the country would be in proportion to the population. Yet we find that while the value of land per family in New York City is in the neighborhood of $4000, its corresponding value in Ohio is $2000, and in Mississippi but $400. In other words, the proposition that the value of land is created by the brute force of population is almost as absurd as that it is the gift of nature. If the value of the land in Mississippi is but $400 per family, and a part of this value, as even the most extreme advocates of the single tax will admit, is due to the improvements which have been placed upon the land, then it is safe to conclude that almost the entire value of the land of Ohio, which is $2000 per family, is due not to the mere presence of population, but to the capital and labor which has been spent in its improvement by the present and the preceding generation. Did Mr. George deny the right of inheritance, then he might claim that the propertyless masses in Ohio — the immigrants of the last twenty years — had an equal right with its present owners to the value of the land of Ohio. But inasmuch as Mr. George admits to the full the right of children

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to the values which have been created by the labor and capital of their parents, it follows in logic that the value of the land of Ohio belongs to those families whose capital and labor created it. The public has not even the right to place any "fine" or tax upon it.

It is a striking fact that all the Anglo-Saxon legislation which has had anything in common with Mr. George's doctrines has recognized that the value of land, like the value of everything else, is chiefly the result of improvements, public and private, incorporated within it. It has been said that the Irish nationalist movement recognizes the justice of Mr. George's proposition that land values are the creation of the whole people, and therefore belong to the whole people. Yet the defenders of the agrarian agitation in Ireland have uniformly based their claims upon the fact that the landlords in Ireland have paid for none of the improvements by which the value of the land has been increased. Much has been made of the fact that the taxation of ground rents has been accepted by the majority of the members of the London county council. Yet when we come to examine the platform upon which these members stand, we find that it is merely one which has been accepted in American legislation from the beginning. It is that the value of the land which comes from public improvements belongs to the public. The bill making improvements in the Strand which that body passed in December, 1887, merely provided that if the rental of a piece of land was increased by £100 a year (and its capitalized value by £2000) on account of such improvements, the public should have a right to the increment. This action produced consternation among the English Conservatives, for the reason that in the past the renters in London have been taxed for the improvements which enabled the landlords to raise rents. The injustice of the old system was pointed out in the clearest terms by Thorold Rogers, twenty years ago, and Thorold Rogers was the ablest opponent of Henry George in England. The principle which was tentatively adopted by the London council is one which in America has always been accepted. Street improvements are generally paid for by the

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assessment of the abutting land. The principle is that as soon as such improvements will add their value to the land, the landowners will order them made. In many cases these improvements are ordered by the public before they will add their value to the abutting land. To take an Ohio illustration, in 1889 the city of Columbus expended $869,000 in street improvements.[1] On a few streets the cost of the pavements laid was greater than the entire value of the abutting lots. Taking the city as a whole, more than four per cent of the value of its land was put into pavements, and it was doubtful if the value of the city's land was increased a like amount. In a few years the pavements will be worn away and the abutting landowners will again be called upon to replace them. Meanwhile the public has also had the use of private capital without paying interest upon it. This method, which has been adopted so generally to defray the cost of streets, has also been adopted to defray the cost of other public improvements which add directly to the value of the land benefited. Any one who is at all familiar with the extent of these assessments — especially upon land which is held for speculation — will understand that the land values which come from public improvements have been made a charge to the land. The American public has claimed these values and has made the landowner pay for them dollar for dollar in advance. The increment is an earned increment.

But the increment which the landowners have earned — and received — from the successive assessments they have paid, does not compare in importance with the increment which they have earned — and not received — from the public taxes they have paid. The question has been much discussed whether the single tax, if levied upon present land values, would yield a surplus or a deficit. Fortunately for Mr. George, his critics have taken for discussion long-settled countries and cities, where the public and private improvements made by successive generations have given to the land an enormous value. Yet even in

[1] The repeated use of Ohio illustrations in this article is partly due to the writer's familiarity with that state, and partly to the fact that its decennial appraisement of land and buildings separately gives a trustworthy statistical basis for argument.

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these, it is my belief that the single tax would not supply the present public revenue. As regards England, we have fortunately at hand the statistics prepared by Mr. Giffen in his paper before the Statistical Society in December, 1889, in which he was not considering the subject of the single tax, and is therefore not open to the charge of special pleading. The value of the farm lands of Great Britain in 1885 was $8,400,000,000. The value of the houses was $9,500,000,000. If we assume that sixty per cent of the value of the English houses was the value of the land on which they stood, then the total value of all the land in England was but $14,000,000,000. The taxation of England in 1885 was $750,000,000, of which not to exceed $100,000,000 rests upon land. The question then is, could the land of England support an additional tax of $650,000,000? The answer is obvious when we remember that Mr. Giffen arrived at the total land value by multiplying rentals by thirty; that is, the average rental of land in England is three and one-third per cent. Three and one-third per cent upon $14,000,000,000 would be but $470,000,000. In other words, the single tax in England, even if the entire rentals of the land inclusive of improvements incorporated within the soil were taken, would produce a deficit of $200,000,000 annually.

In America the aggregate deficit is less clear. Yet here we find that in most of our Eastern states the local taxes alone have for years been much greater than the aggregate increase in the values of the land. For example, in Connecticut during the past fifteen years the assessed value of the land has increased $36,000,000. The aggregate taxes paid have been more than $70,000,000. As these taxes have been contributed by the property owners, the latter have already more than paid for the increment which they have received. The logical application of the single-tax theory would require that the property owners receive back the taxes they have advanced, and turn over to the public the increment that has arisen. This would leave the public vastly in debt to the property owners, instead of the property owners vastly in debt to the public.

But England and our own Eastern states do not furnish a

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fair field in which to consider the application of the single tax. In these territories it is necessary to ignore the all-important question whether the value which now attaches to the land has been given to it by improvements or by the public. In a new community we can be clearer upon this point, and the moment we consider the situation of such a community we find that the application of the single-tax formula — that the public should take only the rental of that part of the value of land which is not due to improvements — would leave the public absolutely penniless. Take for example the territory of Montana. The census of 1880 showed real estate valued at $5,000,000, and personalty valued at $13,500,000. The direct taxes were $383,000. Upon the total property of the state this tax amounted to over two per cent. If only real estate had been taxed, it would have been necessary to make a levy of seven per cent; if only land had been taxed, it is probable that the levy necessary would have been fourteen per cent. If only that value which the land has irrespective of all improvements for clearing, draining, manuring and road-making in the case of farms, and for clearing, draining, grading and street improvements of every description in the case of towns, the levy necessary would certainly have been thirty and probably a hundred per cent. In short the value which the land has apart from improvements is nothing, and the single-tax fund is nothing. When we take a new territory like this, in order to show the enormity of the single-tax deficit, it is not necessary to consider the burden which national taxation would place upon the land. In such a territory the adoption of the single tax would mean, not the abolition of poverty, but the abolition of the public schools and every other public institution.

What is true of a new territory like Montana is true of new towns everywhere. When farming land is converted into town lots, the value of these lots is in general only the value of the farm land plus the value of the town improvements. The Ohio tax duplicates for 1880, in which land and houses are separately assessed, show very clearly how little value attaches to land in new and small towns. In the counties of Franklin and

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Greene, for example, the tax statistics of the small towns run as follows:

	Land.	Buildings.	Personalty.	Total.
Winchester	$38,000	$143,000	$169,000	$350,000
Groveport	27,000	91,000	56,000	174,000
Jamestown	56,000	129,000	242,000	427,000

The taxes levied in all these towns is nearly one and one-half per cent upon the value of all property, real and personal. If realty alone were taxed, the rate would be three per cent. If land alone were taxed, the rate would need to be twelve per cent. If only that part of the value of the land were taxed which is due to the community at large, and not to the public and private improvements paid for by individuals, it is clear that the rentals which the single tax proposes to take would pay but the smallest fraction of the present outlay for local public purposes. This being the situation alike in new territories and in new towns, it becomes evident into what hopeless bankruptcy the single tax would have thrown every American community, had it been adopted from the start. The community must everywhere have placed itself in the position of an investor in real estate who does his entire business on borrowed capital, instead of a public corporation enjoying a part-ownership in all the wealth of all its tenants. The community must not only have borrowed the money for paving, drainage and the like, but for schools, courts, charities and all other public purposes. In short the public treasury would everywhere have been bankrupt from the outset.

The fundamental mistake of Mr. George and the single-tax advocates is their conception that in the value of the land the community has a vast element of wealth which has somehow come of itself, without the expenditure of labor or capital. A correlative error is their assumption that another amount equally vast may now be created without labor, by adopting their system. Their platform promises that the single tax

would make it impossible for speculators and monopolists to hold opportunities unused or only half-used, and would throw open to labor the illimitable field of employment which the earth offers to man. It

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would thus solve the labor problem, doing away with involuntary poverty, raise wages in all occupations, and cause such an enormous production of wealth as would give to all comfort, leisure and participation in the advantages of an advancing civilization.

Here it is assumed that if the taxes now levied upon houses and improvements were repealed, there would at once be an immense addition to the national wealth. All the unimproved farm land would at once be brought under cultivation; all the vacant building lots would at once be covered with houses. This were indeed a consummation devoutly to be wished, but this is the most absurd portion of the entire single-tax programme. Houses cannot be built except out of new savings, unless capital can be withdrawn from other enterprises. To withdraw capital from other enterprises where it is more remunerative, and put it into the building of houses which will not be needed by the community for years, or into the improving of farms whose cultivation is not yet demanded, would be the most enormous possible waste of our national wealth. There is no vast fund of wealth in the air which can be brought to earth by the touch of Mr. George's magic wand. The amount of wealth which society can produce is limited by the amount of labor and capital which society has at its disposal. Any plan to turn this investment out of its natural channel involves an economic loss. Except in trivial and exceptional cases, there is no wealth which is not the product of labor, and no wealth can be created except as the product of labor. The single-tax plan, logically carried out, would leave society to be supported by a non-existent fund.

In conclusion, however, a word needs to be said in reply to those who, without concerning themselves about the logic of Mr. George's doctrines, are nevertheless in favor of repealing all taxes on personalty and buildings, leaving land alone subject to assessment. This plan would accomplish one of the ends proposed by Mr. George. It would absolutely free the propertyless masses from such taxes as now rest upon labor. A tax upon land does rest upon the landlord. He cannot shift one dollar of the burden upon renter or consumer. Yet such a tax

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would in America have the effect of reducing to poverty the great class which has suffered most from our tax policy in the past. It is not strange that the plan makes converts in England so much more rapidly than in America. Land is the only form of wealth in America whose possession is widely and well distributed. While in England, four thousand two hundred landowners possess more than half of the land, in America the half of it is not owned by the richest four hundred thousand. There are in this country nearly four million owners of farm lands. The taxation of land alone would confiscate the bulk of their property. This is vehemently denied by the single-tax advocates, but official statistics confirm common observation. In Ohio the value of the land on the farms is $625,000,000; the value of the land in the cities and towns is but $240,000,000. Yet only forty per cent of the people of Ohio are farmers. In many counties the injustice to the farmer would be even greater than in the state at large. In Greene County, for example, where sixty per cent of the people live upon farms and forty per cent live in towns, the townspeople own thirty-eight per cent of the personal property, but only eighteen per cent of the realty and only nine per cent of the land. The single tax, therefore, would compel the farmers of this county to pay ninety-one per cent of the taxes.

The only good end which the single tax upon present land values would attain — the freeing of the propertyless masses from indirect taxes — might be attained equally well by rigorously carrying out the American principle that taxation should be in proportion to wealth. Nothing is simpler or easier than for every state to tax without exemption all property, individual or corporate, within its own borders.[1] The taxation of property is the taxation of the property owner. None of this burden can be shifted upon any one else. The national government might

[1] The attempt to tax intangible certificates representing property in other states should be abandoned. If carried out, it would mean double taxation. The principle of the property tax is that all property should be taxed once and only once, and taxed where the property has real and tangible existence. The principle is as practicable as it is just.

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with equal ease make large holdings of property subject to a contribution which, supplemented by the taxes on liquor, would render possible the immediate abolition of all taxes upon the comforts and necessities of the propertyless masses. In 1798 this government adopted a progressive property tax which levied a duty of one-fifth of one per cent upon the smallest holdings, and of one per cent upon holdings in excess of $30,000. A tax of one-half of one per cent to-day upon holdings in excess of this largest amount would make possible the abolition of the custom houses. The same end could be accomplished by a progressive tax averaging two per cent upon all incomes from property, and a like tax upon all inheritances. There are a million people in America earnestly in favor of these remedies, where there are ten thousand dreamily in favor of the single tax.

CHARLES B. SPAHR.

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SOCIOLOGY AS A UNIVERSITY STUDY.

CAN sociology make good its claim to recognition as a well-defined positive science? Is it available as a university discipline? Can it be taught in the class-room? Will it lend itself to the modern methods of the seminarium? In a practical way several European universities are offering affirmative answers to these questions. The theoretical answers have not been as yet very satisfactory.

A living science, holding the allegiance of practical investigators, is something more than an organic part of a philosopher's system of knowledge. Comte invented the word sociology and built up a sociological theory, because he felt that the "*philosophie positive*" would be but a sorry fragment if left without a body of humanist doctrine to supplement biology. Mr. Herbert Spencer, with the results of a later and most brilliant half-century of discovery at his command, adopted the word and remoulded the doctrine, because he realized that a complete account of universal evolution must explain the origin and structure of human societies no less than the genesis of species and the integration of star-dust. A social philosophy of such dimensions ought first of all to define its relation to those narrower sciences that have been dividing among themselves a patient and fruitful study of no small portion of observable social phenomena. According to the Spencerian conception, political economy, jurisprudence, the philosophy of religions and such disciplines as comparative philology, are differentiated parts of sociology, and therefore sufficiently distinct though co-ordinated sciences. In the view of Comte they are not true sciences at all. Comte's disparaging notion of political economy is too well known to need quotation. The life of society he conceived as indivisible; he believed that legitimate science could study it only

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as a whole. It is the Spencerian view that one encounters in modern discussions, yet joined, more often than not, to plain intimations that only the subdivisions of sociology — the specialized social sciences — are of much concern to serious scholars. Regarded as a whole of which the parts are definitely organized sciences, grown already to such magnitude that the best equipped student can hardly hope to master any one of them in a lifetime, sociology is too vast a subject for practical purposes. One might as well apply to it at once Schopenhauer's epigrammatic description of history — "certainly rational knowledge, but not a science."

Yet the word is seductive and convenient, barbarism though it be. A writer no sooner resolves that he will not take all social knowledge for his province than he tries to find a substance for the disembodied name. So it turns out that every social philosopher creates a sociology in the image of his professional specialty. To the economist sociology is a penumbral political economy — a scientific outer darkness — for inconvenient problems and obstinate facts that will not live peaceably with well-bred formulas. To the alienist and criminal anthropologist it is a residual pathology — a nondescript collection of queer cases of crooked bones, unco-ordinated ganglia, acute maxillary angles and hypnotic susceptibilities. To the ethnologist it consists of those observations of savage life and custom that are not quite dignified enough to work into a theory of tribal relationships. To the comparative mythologist it is a polite euphemism for the intellectual pursuit of folk-lore societies. Only to the historian is it a stumbling-block, and to the constitutional lawyer foolishness.

A living science is not created in this way. It grows from a distinct nucleus. It becomes every decade more clearly individuated. It makes for itself a plainly circumscribed field. Its problems are unmistakably different from those of any other department of investigation.

Clear thinking and a discriminating use of terms will create an order from the confusion and establish sociology in its rightful position, where it can no longer encroach on the terri-

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tory of other sciences nor be crowded out of the field by them. The prevailing notions of it are absurd. No doubt the word will continue to be used as a short term for the social sciences collectively, and there is no harm in that. Again, in a synthetic philosophy like Mr. Spencer's, it can always be used legitimately to denote an explanation of social evolution in broad outlines of abstract truth. But the sociology of the working sociologist, the sociology of the university, will be a definite and concrete thing. To answer categorically two of the questions put at the beginning, it will be something that can be presented in the class-room and worked over in the seminarium. These last points are crucial for the existence of the science; for when sociology has as distinct a place in the working programme of the university as political economy or psychology, its scientific claims will be beyond cavil. But that will be only when educated men have learned to conceive of sociology as distinctly and concretely as they conceive of other sciences. The word must instantly call to mind a definite group of co-ordinated problems.

The efforts of European universities, alluded to above, to establish departments of sociology, have been but indifferently successful, because of failure to observe these limitations, which seem to have been perceived more clearly by some other people than by the sociologists themselves. A suggestive disagreement of opinion between two eminent educators in the university of Brussels has put the matter in the strongest possible light. M. Guillaume de Greef, whose *Introduction à la Sociologie* I have found to be on the whole more valuable than any other general work after Mr. Spencer's, made an earnest plea in the preface of his *Première Partie*, written in 1886, for the creation of chairs and even faculties of sociology, which should impart instruction in accordance with a certain classification of social phenomena that M. de Greef makes very important in his system. Now this classification is one of the all-comprehending schemes. It includes everything, from the husbanding of corn and wine to electioneering contests in the Institute of France. At the opening of the university on October 15, 1888,

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the rector, M. Van der Rest, took "*La Sociologie*" as the theme of his discourse, which was a keen and exceedingly plain-spoken argument against M. de Greef's views, and a justification of refusal to institute the special chair desired. Sociology was characterized as

> a badly determined science, that presents no well-defined line of demarcation from the moral and political sciences, and that touches the most varied questions, all of which, nevertheless, are comprised within the limits of the studies of existing chairs.

The rector's own view of sociology was summed up as follows:

> I adopt the word but simply as the name of a concept of the human mind. Accepting the sense that has been given to it, I would mean by it the science of social phenomena. But I would add that if we go beyond the domain of abstraction, the science so defined can be understood in one of two ways only: either it will have for its object a study of men united in society, including all the facts that it can find in social life, disengaging their laws and connecting the social present with the past and the future—in which case the science cannot be constructed, and will be nothing more than the *ensemble* of our political and moral sciences bound together in a chimerical unity; or it will consist only of general views on social progress, and then it seems to me impossible to make out the line of demarcation that separates sociology from a much older science, the philosophy of history.[1]

We need not accept M. Van der Rest's conclusion that a concrete sociology must be either the *ensemble* of the moral and political sciences or a philosophy of history. In this he is wrong; but we may agree with him that if it is an indefinite, badly determined thing, it cannot be a university study. Sociology cannot be taught as an organon of the social sciences, nor yet as a mass of unrelated facts left over from other researches.

Some months ago in an article on "The Province of Sociology"[2] I undertook to mark out the field of a working sociology. I described it as the *fundamental* social science, lying in the border land between psychology and biology on the one side, and the various sciences of politics and culture on the other. I

[1] La Sociologie, p. 33.

[2] *Annals of the American Academy of Political and Social Science*, vol. i, no. 1.

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endeavored to suggest its spirit, to indicate its point of view and to explain its underlying conceptions. In this paper I shall try to state the more important problems of sociology. I shall hope to show that they are as distinct from the peculiar problems of other social sciences as these are from one another; furthermore, that they are not wantonly bound together in an arbitrary and artificial grouping, but grow naturally out of one central problem, or inquiry, which is therefore the heart of all sociological thought, the nucleus from which the science must unfold. If I can make all this reasonably clear, I shall have justified my largest claims for the recognition of a great science of noble destinies, and shall have shown its fitness and worthiness to rank with older, but not more rigid or more liberal disciplines of the university curriculum.

An indirect way of approaching the central problem will be most convenient. Political economists have lately gained a new insight into the nature of the premises of economic theory. In achieving this they have incidentally, and without being themselves aware of it, disclosed the exact point of departure of political economy from the problem of sociology. They are no longer content to describe their science as concerned merely about material wealth. The psychological nomenclature that is finding its way so rapidly into current economic discussion is significant chiefly of new points of view and an important change of perspective. The purely mental phenomena of wants and satisfactions are brought into the foreground. The production of material commodities is no longer placed first in exposition; for it is seen that certain laws of consumption, reigning deep down in the principles of human nature, govern the whole process of production and exchange. Many years ago President Walker described consumption as the dynamics of wealth, and we are now just beginning to understand how much the saying may mean. Desires, as Mr. Gunton rightly insists in his recent book on *Social Economics*, are the motive forces of the economic world. According to their varying numbers, intensities and forms are shaped the outward activities of men and the myriad phases of industry and trade. But these desires

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themselves, whence come they to birth? What is the hidden source of their number and masterful power? What conditions have determined their evolution, from those crude, primitive wants of a purely animal existence, that the savage shares with baboons and wild gorillas, up to those of the "good gorilla," as M. Renan has called him, the man of gentle instincts and cultivated tastes? These are interesting questions, but the economist does not answer them. It is exactly here that he draws the line. He takes desires as he finds them, save in so far as he finds it necessary, in working out the dynamic phases of his subject, to observe the reactions of economic life itself upon desire. But in general desires are for him the premises of an intricate deductive scheme, and nothing more. He leaves to some other science the study of the genesis of desires, as such.

What is that other science? Can we find it in our programmes of university instruction? Is it possibly politics, or the theory of the state? This question in the asking throws a new light on the relation of political science, in the narrower sense, to political economy. Political science, too, finds its premises in facts of human nature. The motive forces of political life, as of economic life, are the desires of men, but desires under another aspect — desires no longer individual merely, and no longer a craving for satisfactions that must come for the most part in material forms. They are desires massed and generalized; desires felt simultaneously and continuously by thousands, or even by millions of men, who are by them simultaneously moved to concerted action. They are desires of what we may call the social mind in distinction from the individual mind, and they are chiefly for such ideal things as national power and renown, or conditions of liberty and peace. Transmuted into will, they become the phenomenon of sovereignty — the obedience-compelling power of the state. Political science describes these gigantic forces of the social mind and studies their action; but no more than political economy with individual desires does it concern itself about their genesis. It simply assumes for every nation a national

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character, and is content that the political constitution of the state can be scientifically deduced from the character assumed. It takes the fact of sovereignty and builds upon it, but no longer concerns itself, as did Hobbes and Locke and Rousseau, with speculating how sovereignty came to be. It starts exactly where Aristotle started, with the dictum that man is a political animal. If there is anything back of this to be known, let some other science find it out.

There is a group of sciences that are concerned with various special phases of the social mind. The foundation of these is comparative philology, which Renan, writing back in 1848 of the future of science, with clear vision and happy phrase described as "the *exact science* of things intellectual." On this science have been built the sciences of comparative mythology and comparative religion, and materials are even now accumulating for a science of comparative art. Of all these sciences, as of economics and politics, the postulates, not always distinctly stated but always implied, are human desires; for aspiration is but desire blending itself with belief and rising into the ideal. Unlike economics and politics, however, these sciences of *Culturgeschichte* do to some extent deal directly with the genesis of the mental states that are their postulates. But they study them only in very special phases and with a narrowly specific purpose. Upon the broad question of the evolution and ultimate causation of desires in general, they have no occasion to enter.

We need not follow our quest further. There is no one of the recognized social sciences that takes for its peculiar problem the investigation of the origins of those motive forces that are everywhere assumed to account for all that comes to pass in the social life of mankind. Yet though not investigated, not taken up for patient scientific analysis, these origins are by no means hidden. The manner of their causation is everywhere taken for granted, as if so simple a thing could not possibly be overlooked or stand in need of explanation. Association, comradeship, co-operation, have converted the wild gorilla into the good gorilla and brought it to be that, in the quaint words of Bacon,

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there is in man's nature a secret inclination and motion towards love of others, which if it be not spent on some one or a few, doth naturally spend itself towards many, and maketh men become humane and charitable, as it is seen sometimes in friars.

Or to drop the figure — for it is nothing more, since the human progenitor must have been a social and companionable sort of ape, and no gorilla at all — it has been the rubbing of crude natures together that has made fine natures. It has been the well-nigh infinite multiplication of sensations, experiences, suggestions, due to the prolonged and intimate gregariousness of human hordes in those favorable environments where population could become relatively dense, that has created the human mind and filled it with those innumerable wants that impel to ceaseless effort and tireless questioning of the unknown. That "as iron sharpeneth iron so man sharpeneth the countenance of his friend," was the earliest and the greatest discovery ever made in sociology.

The central scientific problem of sociology lies now before us. The questioning scientific mind of this age cannot longer rest content in the vague and merely general assumption that it has been association that has brought into existence the desires that have built up empires and created religions. How has association done this? is the question that a rigorous scientific spirit must ask, and the conditions of the answer are such that the resulting body of knowledge will be a sociology, and not, as some may have imagined, a division of psychology. If the question could be answered in one abstract formula, the answer might be classed as a truth of psychology; but such would not be the exact and definite information that we seek. Association has assumed a great many diverse forms. These are related to each other in most complicated ways. Each form and complication is related in peculiar ways to mental development. If we ask how forms and complications themselves arise, we quickly find that the social mind and individual minds have been acting on them. In short, we find that we are dealing with only another example of the chicken and the egg. If we expect to learn much about either, we must study them together. Asso-

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ciation, in whatever way begun, has wrought upon mental life and mental life has wrought upon association. There has been and is now an incessant interplay of action and reaction between these phenomena. To analyze and explain this interaction until we understand just how it is that association forms the psychical life and the psychical life strengthens and co-ordinates association, and how both, remorselessly acted upon by the great process of natural selection, become by imperceptible steps more closely adjusted to each other — this is that central investigation of sociology that we have sought to define and out of which grow many specific and subordinate inquiries.

All this may be put less ponderously in the homely phrase that so often is more scientific than the most carefully studied formulas. The object of sociology is to learn all that can be learned about the creation of *the social man*. The bearing of this learning upon the studies of the economist and the political theorist will be well understood by all who have followed the recent progress of political philosophy. The "economic man" of the Ricardians still lives and has his useful work to do; *pace* our scientific Iagos, who aver that they have looked upon the world these four times seven years, and have never yet "found man that knew how to love himself." Not so the natural man of Hobbes, whose singular state, as described in the *Leviathan*, "was a condition of war of every one against every one," but who nevertheless "covenanted" with his neighbor. That whole class of ideas, and all the theories built upon them, in which man was lifted out of his social relations — in which the individual was conceived as an uncompromising egoist, existing prior to society and reluctantly bringing himself to join a social combination as a necessary evil — are giving way before a sounder knowledge. Instead of those notions, a conception of man as essentially and naturally social, as created by his social relationships and existing *qua* man only in virtue of them, will be the starting-point of the political theorizing of coming years.

But from the mere fact that we can definitely state the sociological problem so that it becomes clearly distinguishable from the inquiries with which the economic and political sci-

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ences have to do, it does not follow that this problem can be developed into the detail of a complete science, much less that the science, if developed, would be a suitable subject for university work. Further explanation therefore has to be made, and several plain questions have yet to be met. Are the specific inquiries into which the general sociological question must be broken up, of the manageable kind? Are the data at hand? Can they be sifted out and freed from misleading elements? Above all, are the mental aptitudes that will be demanded, and the methods that must be relied on, of a kind that we can hope to secure and to employ under the actual conditions of university life? Indeed, are we not confronted here with a very serious, perhaps an insuperable difficulty? The specializing tendencies of modern research are due quite as much to mental limitations as to the distinctness of the inquiries pursued. I am not sure that this subjective fact, rather than any objective feature, is not more and more determining the grouping or classification of the sciences for university purposes. Subjects are grouped together in schools or departments that call for the same or similar aptitudes, and are pursued by the same or similar methods. If, then, a science by its subject matter is allied with knowledge of one kind while its method is necessarily one by which we discover knowledge of a very different kind, its chances of winning the favor of students are small. If sociology is of interest chiefly to students of the economic, political and moral sciences, but must be developed by methods with which they are little familiar, any hope of establishing it securely as a university study might as well be abandoned. I shall now take up these possible objections in their order.

Any fear that the detail of the sociological problem is either intangible or unmanageable will disappear on examination. If the conception of the social man is derived from inseparable correlative facts — the individual and his social relations — undergoing a progressive adaptation to each other, the study of this interplay of forces leads out from the central problem in two directions, — into an analysis of the structure and growth of social relationships on the one side, and into an examination

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of the conditions and limits of progress, or adjustment, on the other. The particular problems of sociology, therefore, fall into an orderly arrangement in three co-ordinate groups: first, problems of social structure and growth; second, problems of what I shall venture to describe as volitional association; and third, problems of progress.

In the various attempts that have been made to organize a systematic sociology the problems of social structure and growth — the morphology and embryology of human societies — have received the larger share of attention. There are several ambitious works that deal with nothing else. It is the functional, and especially the psychical and conscious phase, that has been neglected. But even in the study of social structure very much remains to be done, not only in minute examination, but in outlining the broader groupings of parts. Many writers understand by social structure the organization of state and church and industry, and all that multiplicity of associations for innumerable purposes which the Germans designate collectively as *Gesellschaft*. Others mean by social structure the ethnographic groupings into tribes and nations. Both views are right within their range, but neither is complete. Social structure includes both ethnographic grouping and *Gesellschaft*, and it is one of the specific problems of sociology to ascertain the relations of these two things to each other. What exactly is the nature of each form of association? What is the essential difference between the ethnographic organization and the *Gesellschaft*, and does the one in any way limit or determine the other? Even more than these is included in social structure. The influences that determine the distribution of population, and the characteristics of the population in different places, create a demographic structure that presents many interesting points for study in their relations to other features of the social system.

The problems of social evolution are of two categories. One sort are those of genetic order and relationship. Typical of these is the investigation that has engaged so many brilliant minds in recent years, of the relation of the family to the clan

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and the tribe. Which grew out of the other, or was there never a true relation of antecedent and consequent in the case at all? The other sort of inquiries relate to causation. Can we resolve social phenomena into their component forces? Can we find in organic and physical evolution the laws that, when comprehended, will make social development intelligible? I need hardly say that the most important attempt in this direction is contained in Mr. Spencer's system of "Synthetic Philosophy," but I think it quite necessary to insist that most of the writers that have passed judgment on Mr. Spencer's sociological doctrines have failed to inform themselves on the underlying principles from which his conclusions have been drawn. They have sought his sociological system in those of his books that bear sociological titles, while in fact the basal theorems of his sociological thought are scattered through the second half of the volume called *First Principles*, and must be put together by the reader with some labor. These theorems, taken together, are an interpretation of social changes in terms of those laws of the persistence of force, the direction and rhythm of motion, the integration of matter and differentiation of form, that together make up Mr. Spencer's well-known formula of universal evolution. Sociology can neither accept this interpretation unquestioningly on the mere authority of a single thinker, however distinguished he may be, nor ignore it as inconsequential. It must take it frankly in hand and subject it to thorough criticism and prolonged verification. Its several propositions must be compared, in logically valid ways;[1] with the concrete facts of social phenomena — statistical, historical and other — and then, without prejudice, must be accepted, rejected or modified, according to the results of such tests. The making of these verifications is in every way a suitable subject for university work. The statistical material is abundant. In many inquiries we can get results approaching quantitative precision, as in those touching the relation between the rate of

[1] One of the erroneous ways of comparing deductive truths with concrete facts is described in a subsequent paragraph.

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social evolution and the conversion of physical into social energies, through the harvests.

A specific interpretation of social life that emerges from attempts to solve problems of social growth and morphology, will clear up any lingering doubts about the scientific relation of these problems to other divisions of sociology. Already the question may have occurred to the reader: Why knit together in one science studies of social forms and causes and such researches in social psychology as have been foreshadowed? Is the alleged connection after all a real one? Why not let each set of problems develop into a separate science? The answer is a peculiar one, and I think conclusive.[1] We cannot account for existing social arrangements without invoking the agency of natural selection. They are survivals. Thousands of different arrangements have disappeared because their usefulness to man was transient or feeble. They did not sufficiently profit the tribes or peoples that used them to save either people or institutions from extinction. The social arrangements that live, as a part of the life of virile communities, are arrangements that make communities virile. Directly or indirectly they help to make a better social man, keener in mind and more adept in co-operation. It follows that there can be no explanation of social structure, not even a purely physical explanation, if the psychology of the social man is left out. A theory of social organization and power is scientifically subordinate to a theory of mental development by means of association.

Thus if it is chiefly, though not altogether, the physical aspect of social phenomena and a process of physical causation that we study in problems of social structure and growth, it is the conscious phenomena and a psychical process to which we pass when we turn to a consideration of volitional association. In all the higher forms of association and concerted action

[1] I have stated it more fully in the article already referred to, on the "Province of Sociology." So far as I can learn no previous writer had ever distinctly proposed to interpret social evolution by the operation of natural selection upon human personality. If the view is sound it is the true key to a scientific sociology.

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human wills are a factor. It follows that in studying volitional association we have to do especially with the connection between social forms and various sorts of co-operation, and the purposes that they fulfil, since men do not of deliberate will maintain and perfect their social relations unless they are conscious of an end to be subserved. That end is the development of their own psychical life, in scope and power and happiness. So the questions of volitional association are somewhat more immediately concerned with the central sociological inquiry — which we have seen to be the relation between the evolution of association and the development of personality — than are those of structure and growth. They include an analysis of the phases that volitional association presents for examination, such as its cohesive strength, its duration and the manner of its co-ordination. They include all inquiries that may be made as to the functional or purposive side of association, that is to say, in regard to the ways in which association acts favorably on individual personality and on the social mind, and likewise all inquiries as to the action of the social mind in creating custom, institutions and positive law. Inexhaustible materials are at hand for the student pursuing these inquiries. To exhibit the phases of association, for example, the phenomena of political majorities alone would be sufficient, showing, as they do, every degree of cohesion, — from that rigorous party discipline that is able to defy independent movements and to sneer at all reformers, down to alliances that vanish at the first breath of dissension, — and every agency of co-ordination, from the "pull" of a district "boss" to the welding heat of moral indignation.

In the study of customs and institutions, more than anywhere else, general sociology has been confounded with the special social sciences. Nearly every writer on sociology has made the mistake of thinking that symmetry and completeness were to be secured by taking up each group of social institutions in turn for separate discussion. By this erroneous judgment, or more truly this lack of insight, he not only places himself in a position where he must be either omniscient or superficial, but he disin-

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tegrates his science. Instead of unfolding an organic sociology he binds together in the covers of one book the elements of several social sciences. The general sociologist has nothing to do with the details of the evolution of institutions of any kind, domestic, political or ecclesiastical. His business is to lay a firm foundation in social psychology, *i.e.* in the theory of volitional association, on which the students of institutions can build. He should show how the social mind works in creating institutions of any kind or of all kinds. He should show in what order the different kinds of institutions appear, as determined by their genetic relationships, and how all institutions vary in their vigor and characteristics with varying aspects of the social mind. The reactions, also, of institutions on individual personality and on the mental life of the community claim attention. All these are fundamental studies, the results of which the student of any particular group of institutions should have at command without being obliged to work them out for himself, just as the anatomist or the physiologist depends on general biology for such postulates as the laws of selection, adaptation and heredity. They are also quite numerous enough for one division of one science. To add to them the details of half a dozen others is to misconceive the theoretical structure no less than the practical limits of sociology.

What of the problems of progress? Comte identified progress with social dynamics, and set it over against social statics. Social statics was a theory of social order; social dynamics he conceived as a theory of stages of human development, and his part on progress, therefore, became merely a philosophy of history. The theories of organic evolution have thrown discredit on that way of conceiving the world which led to a sharp separation of static and dynamic in exposition, and Mr. Spencer, after having in his younger days published a book on *Social Statics*, has in his later writings avoided any such line of division. Structures and forces are exhibited together, structure giving lines of direction to motion, motion, nevertheless, modifying structure. Yet without abandoning the organic conception, one may give his attention chiefly to the structural relations

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or to the modifying forces, as Mr. Lester F. Ward has done in his suggestive treatise on *Dynamic Sociology*. It follows that if progress be identified with the dynamic aspect of social life, a work on sociology will, according to the author's personal bias, either contain no separate part on progress, or be little else than such a part. But the identity must not be uncritically assumed. A complete theory of social dynamics would be an account of all social forces and all possible social changes. Does our idea of progress include all social changes? Does it not rather exclude very rigorously all except changes of certain definable kinds, or in certain well-marked directions? If so, a doctrine of progress is far enough from being co-extensive, or in any other way identical, with social dynamics. It is rather a theory of the conditions under which social elements and forces emerge in a particular result, and therefore, also, of the limits to that kind or mode of change which the conditions impose. Otherwise stated, a philosophy of progress is primarily a theory of conditions and only incidentally of the forces that act subject to the conditions; social dynamics is primarily a theory of forces and only incidentally of conditions. The point is technical, but helpful for clear thinking.

It would appear, therefore, that the first task in the study of progress must be to ascertain in what sense there is any such thing. What is the fact of progress? In what does it consist? If it is a group of changes of a particular and verifiable kind, its conditions can be known and its limits determined, at least approximately. We have in this possibility the key to the scientific arrangement of those most interesting questions that are often spoken of as the problems of practical sociology. Just how the study of conflicting race interests, of suicide and insanity, of poverty, crime and vice, could be connected in any logical way with the propositions of theoretical sociology, has been a puzzling question to many students, and sociological writers generally have fallen back on the familiar expedient of dividing their subject into theoretical and practical, or theoretical and applied, or the science and the art. I confess that I have never had much respect for this expedient. It is the easy

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device of incomplete or baffled thinking. Some of the facts that a science deals with are more practical than others because our daily lives are in more immediate contact with them; but as knowable facts they admit of explanation; the explanation is a theory, and if we do not see it to be a co-ordinate part of the larger theory of our subject in its entirety, the reason is that we have not yet fully worked out the logical subordination of its particular theorems. More adequate views of the great issues of practical sociology may be looked for if we can effect a scientific arrangement of the problems. If progress is determined by conditions, there may be in any given community certain limits of progress that cannot be overstepped without disaster, and this may be the true explanation of the most perplexing social ills. If, for example, there is a pretty definite physiological limit to the possible intensity and intimacy of association and associated activity, the phenomena of suicide and insanity cease to be mysterious. If, again, the pace of progress sifts men, much as the pace of a moving army sifts them, so that they fall behind in different degrees, we have an explanation of the grading of a population into social classes, with fairly well-marked differences of physical, economic and moral condition, and even different birth rates. Therefore it may be that in a theory of limits of progress we shall yet find an interpretation that will create scientific order in the maze of facts of practical sociology.

We come now finally to the question of the methods and mental habits that will be required in sociological research. Is it possible to find the mental qualities and to develop the methods in schools devoted to historical, legal, political and economic studies — that is to say, in the only schools where, on other grounds, sociology is likely to obtain a foothold? Of course we may premise that the successful pursuit of any modern science requires a fairly broad range of intellectual sympathies. Every science is in some measure dependent on many other sciences for both concepts and methods. Its devotees cannot be wholly unfamiliar with the instruments or modes of reasoning employed by their co-workers in other fields. Yet every science has also a method or methods that are pecu-

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liarly its own and are mastered only through systematic training. Sociology is no exception. It draws largely from biology, largely also from history. Statistics it uses so freely that many writers hold it to be an open question whether sociology and statistics are anything else than different names for the same science, or, at the most, slightly different forms of what is practically the same body of knowledge. Yet if I have rightly stated the problems of sociology, all these means of research are subordinate. The chief dependence must be on a skilful employment of psychological synthesis. Using the faculty of scientific imagination, the sociologist must ideally put together the various elements, forces, laws, of psychical life, and then bring the whole result, as an organic unity, to the test of comparison with historical facts and statistical tabulations. His procedure must not only reverse the processes of ordinary psychology, by which that concrete whole, the individual *ego*, is resolved into hypothetical elements and modes of activity; it must likewise reverse a radically unscientific procedure that for years has obtained in the political sciences. After resolving human nature into abstractions, we have attempted to verify, *singly and severally*, all manner of deductions therefrom by a direct comparison with statistics and history, as if these concretes could by any possibility correspond to deductive truths until the latter should be wrought together into complex wholes. Of a score of illustrations that might be cited, take the once familiar economic dogma that if a laborer does not pursue his interest his interest will none the less pursue him, against which President Walker has so effectively marshalled the concrete facts of industrial life. Filled with indignation at the mischief that that dogma has done, we have said in our haste that all deductive economics is a lie. Yet that very dogma, as a single abstract truth, was a valid scientific conclusion; for it is certainly legitimate to separate an abstract principle of human nature from all other abstract principles and to draw logical deductions from it. The fallacy entered when the single truth was taken for a synthesis of truths, when the part was made to do duty for the whole. If besides the premise that man may

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be abstractly conceived as a competitor with his fellow-men for economic advantage, the economists had made use of the further premise that we may also abstractly conceive of him as an instinctive combiner with his fellow-man for maintaining class power and privilege, they would have drawn not only the deduction that employers must compete with one another in building up industries, but the further deduction that, as far as possible, they will refrain from competing against one another in buying labor, and will never fail to stand together in shaping the social and legal conditions under which laborers must sell their work. The two deductions put together would have afforded a resultant truth not very unlike the concrete facts of history and statistics. Working by the method of psychological synthesis, the sociologist is constantly on the watch for neglected or unperceived factors in human action, as the chemist for undiscovered elements, and by putting them together in every imaginable way he tries to discover the conditions and laws of their combination. Regarded on its disciplinary side, sociology is pre-eminently the science that may be expected to train its students in habits of constant attention to the psychical possibilities of the great world of human struggle, in which we act and suffer and enjoy.

Viewing the science and its method in this way, I do not hesitate now to give an affirmative answer to the question whether students of the political sciences can be expected to master the method that has been described. I am prepared even to go further, and to affirm that there is no other one thing in the whole range of their possible studies which it is so imperatively necessary that they should master. The young man who is to-day entering upon the special researches of economics or public law will quickly discover that he must become a very critical observer of the psychological assumptions underlying those sciences if he expects to keep pace with their future progress. The prolonged controversy over the respective merits of deductive and historical methods is approaching an issue that no one foresaw. I think no one will contradict me if I say that the men who, a dozen or fifteen years ago,

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expected almost unlimited additions to knowledge from the application of historical researches to political and economic questions, have been not a little disappointed. There is an unmistakable reaction all along the line toward the freer employment of analysis and deduction. But these methods can never again be used in quite the old way. It is seen by everybody that the basis of investigation must be widened; that innumerable facts must be taken into account that were once ignored. Is it not significant that while this conclusion has been slowly forcing itself upon scientific attention, a new life has been actually infused into theoretical studies by men who have approached them from the psychological side? Without raising any question of the final value of the contributions made to economic theory by Menger and Jevons and their followers, I think we must all admit that we owe to their re-examination of the psychological premises of political economy the fresh impulse that is making itself felt in every department of economic speculation. Much the same sort of thing may be affirmed of comparative jurisprudence. Five years ago one would have said that the doctrine of natural rights was buried beyond resurrection. Yet of late it has been again discussed on both sides of the Atlantic with more originality and more vigor than at any previous time since the closing days of the eighteenth century. But here again the new view is not like the old. Historical researches having shown the essential relativity of all systems of right, the inquiry is now as to the subjective or psychological basis of the historical systems. The doctrine that will emerge will be sufficiently unlike the eighteenth century notions, yet perhaps it may still be called, not improperly, a doctrine of natural right. Be that as it may, the conviction is gaining ground that the further progress of the sciences of public law will depend very greatly on a more thorough study of the psychology of law. And public law and economics are but two out of many sciences that are grounded in social psychology. They all build on psychological assumptions, and the assumptions are either true or imaginary. The phantasms and symbols of an imaginary psychology have ruled

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the social sciences long enough. Whether we like it or not we must now throw over our illusions and learn to substitute for them the truths of a rational sociology.

One final objection remains to be met. After all, it may be said, is not sociological instruction a work for the school of philosophy rather than for the faculty of political science? It might have been, but under existing conditions it is not. More and more, as I have already intimated, the work of university departments is being shaped for them by the needs of their students. A great practical interest has recently come into deserved prominence in the educational world; I refer to the theory and art of pedagogy. Now while a true education will not fail to develop the individual child into the social man — a man of individuality but not of isolating individualism — the work of the teacher is necessarily with particular minds of more or less well-marked characteristics. His success will very largely depend on his intuitive knowledge of individual needs and limitations and his acquired skill in dealing with them. The theory of pedagogy therefore is a set of corollaries from individual rather than from social psychology. For their training in psychology the students of pedagogy will seek the school of philosophy. The school of philosophy, on its part, will find its constituency to an increasing extent among the students of pedagogy. The result to be looked for is an even greater attention than is given now to individual psychology. The psychology of society will have to be pursued elsewhere. We that must use it must create it.

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CONTRIBUTIONS TO THE HISTORY OF THE SOCIAL CONTRACT THEORY.

I.

THE theory of the social contract belongs in an especial manner to the political philosophers of the seventeenth and eighteenth centuries. But it did not originate with them. It had its roots in the popular consciousness of mediæval society. As a philosophical theory it had already been anticipated by the Greek Sophists.

The intellectual movement of Hellas in the period following the Persian war, though more rudimentary and less complex, is of the same type with the reawakening of the spirit of rationalism and criticism after the slumber of the middle ages — a slumber less profound than we are sometimes apt to imagine. Institutions come to be questioned instead of being simply accepted; the rights of the individual are made the measure and standard of their value. Aristotle[1] refers to Lycophron the Sophist as having held that law is merely a "contract," a surety for the mutual respecting of rights, and not capable of making the citizens good and just. Here we have in germ what used to be called the theory of the *Rechtsstat*[2] — the theory that the function of government is limited to the protection of the rights of individuals. This is the doctrine which Professor Huxley, criticising Mr. Herbert Spencer, has called "administrative nihilism." In the second book of Plato's *Republic*, Glaucon, representing the opinion of the new enlightenment, gives an account of the origin of civil society which is identical with part of the theory of Hobbes.[3] All men, according to Glaucon,

[1] Politics, III, 9, § 8.

[2] *Cf.* Bluntschli, Theory of the State (English translation), p. 295; Holtzendorff, Principien der Politik, p. 213.

[3] The views of Thrasymachus the Sophist, in the first book, are identical with the other part of Hobbes's theory, namely, the conception of right as based on the command of the sovereign.

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naturally try to get as much as they can for themselves — "to encroach," in the phrase of Hobbes. To escape the evils that arise from this mutual aggression, they make a compact to abstain from injuring each other, and this compact constitutes what we call "justice," or law.[1] Socrates, in Plato's *Crito*, refuses to listen to his friends who urge him to escape from prison: he argues that the Athenian citizen, through having enjoyed the privileges of protection from Athenian law, has made a practical agreement (a "tacit contract," we might call it) to obey the laws of Athens, even when he considers them unjust.

> The laws will say: Consider, Socrates, if we are speaking truly, that in your present attempt you are going to do us an injury. For, after having brought you into the world, and nurtured and educated you, and given you and every other citizen a share in every good which we had to give, we further proclaim to every Athenian that if he does not like us, when he has come of age and has seen the ways of the city and made our acquaintance, he may go where he pleases and take his goods with him. . . . But he who has experience of the manner in which we order justice and administer the state, and still remains, has entered into an implied contract [literally, "has agreed in fact"] that he will do as we command him.[2]

The argument that the citizen is bound to obey a law he may dislike because he is free to leave the state if he choose, is exactly similar to that of Locke:

> Every man's children being by nature as free as himself or any of his ancestors ever were, may, whilst they are in that freedom, choose what society they will join themselves to, what commonwealth they will put themselves under. But if they will enjoy the inheritance of their ancestors, they must take it on the same terms their ancestors had it, and submit to all the conditions annexed to such possession.[3]

Hume, in his essay *Of the Original Contract*, ignores the passage I have referred to in Plato's *Republic*, saying:

> The only passage I meet with in antiquity where the obligation of obedience to government is ascribed to a promise, is in Plato's *Crito*,

[1] Republic, 359. [2] Crito, 51, Jowett's translation.
[3] Locke, Treatise of Civil Government, II, § 73.

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where Socrates refuses to escape from prison because he had tacitly promised to obey the laws. Thus he builds a *Tory* consequence of passive obedience on a *Whig* foundation of the original contract.

The whole tendency of the political philosophy of Plato and Aristotle is to get beyond this artificial way of regarding society. Neither of them uses the phrase "social organism," but both have the idea. Plato's ideal of society is that all the citizens should be members of one body.[1] According to Aristotle, the state is not a mere "alliance," which the individual can join or leave without being permanently affected thereby.[2] When Aristotle says: "Man is by nature a *political* animal," he embodies a profound meaning in the phrase. The individual separated from his state is not the same as the individual belonging to it. A hand severed from the body is a hand only in a different sense;[3] and so the individual apart from the state is not the individual citizen — the *person* with rights and duties.

Greek popular philosophy did not however remain at the Aristotelian level. Epicurus had ceased to believe in the moral significance of the city-state, which in his time had ceased to be a reality; and in Epicurus we find a return to individualism and the contract theory. Civil society is an association into which men enter to avoid pains. Justice arises from a contract "neither to injure nor to be injured," as in the Sophistic theory represented by Glaucon.[4]

II.

In mediæval Christendom the strictly ecclesiastical mind regarded all civil society as a consequence of the fall of man. Sin brought government into the world; Cain and Nimrod were its founders. Philosophically regarded, this is the mediæval equivalent of the modern anarchist's opinion that government is an evil, at the best a necessary evil. But from the thirteenth century onwards the political philosophy of the middle ages was leavened by a wholesome element of worldly wisdom, introduced

[1] Republic, 462.
[2] Politics, III, 9, § 11.
[3] *Ibid.* I, 2, § 13.
[4] Diog. Laert. X, § 150.

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through the influence of Aristotle's *Politics*. That "man is by nature a political animal," we might almost say became a dogma; and consequently the Sophistic and Epicurean theory finds a place neither in the *De Regimine Principum* of Thomas Aquinas and his followers nor in the *De Monarchia* of Dante, — neither with the champions of the ecclesiastical nor the defenders of the imperial power. But in the popular consciousness of the middle ages and among the writers on the ecclesiastical side there grew up that particular form of the contract theory which has fixed itself most prominently in the minds of ordinary men and of politicians struggling with despotism — the idea of a contract between government and people. The Bible and Aristotle supplied the intellectual food of mediæval thinkers. Aristotle, as we have just seen, gave no encouragement to the contract theory; but the same cannot be said of the Old Testament.

> So all the elders of Israel came to the King to Hebron; and King David made a covenant with them in Hebron before the Lord; and they anointed David King over Israel.[1]

Such passages as this furnished a formula under which the mutual obligations of ruler and subject could conveniently be thought of, and under which the responsibility of kings not only to God but to their subjects could be asserted and maintained. The Old Testament supplied the mediæval ecclesiastics, as it did the Puritans afterwards, with a corrective to the doctrine of submission to "the powers that be," which had come down from the early Christians who lived under the irresistible despotism of the Cæsars.

Furthermore, in the middle ages men were more prone than at any other time to think in terms of the Roman conception of a "quasi-contract."[2] The idea of contract is the most important of the contributions to the world's thinking made by Roman law. A feudal community differs from a true archaic community (such as a Celtic clan) just through this element of

[1] II Samuel v, 3.

[2] *Cf.* Maine, Ancient Law, pp. 343 *et seq.*

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contract added to barbaric custom.[1] The formula according to which the nobles of Aragon are said to have elected their king, even if it be not authentic, represents at least the principle, in an extreme form, of feudal monarchy. "We who are as good as you choose you for our king and lord, provided that you observe our laws and privileges; and if not, not."[2]

> Though from the twelfth century [says Hallam] the principle of hereditary succession to the throne superseded in Aragon as well as Castile the original right of choosing a sovereign within the royal family, it was still founded upon one more sacred and fundamental, that of compact. No King of Aragon was entitled to assume that name until he had taken a coronation oath, administered by the justiciary at Saragossa, to observe the laws and liberties of the realm.[3]

Mr. R. L. Poole in his *Illustrations of Mediæval Thought* (page 232) quotes a very interesting passage from a letter written by Manegold, a priest of Lutterbach in Alsatia, in defence of Pope Gregory VII:

> King is not a name of nature but a title of office: nor does the people exalt him so high above it in order to give him the free power of playing the tyrant in its midst, but to defend him from tyranny. So soon as he begins to act the tyrant, is it not plain that he falls from the dignity granted to him? since it is evident that he has first broken that contract by virtue of which he was appointed. If one should engage a man for a fair wage to tend swine, and he find means not to tend but to steal them, would one not remove him from his charge? . . . Since no one can create himself emperor or king, the people elevates a certain one person over itself to this end, that he govern and rule it according to the principle of righteous government; but if in any wise he transgress the contract by virtue of which he is chosen, he absolves the people from the obligation of submission, because he has first broken faith with it.

This mediæval form of the contract theory is that which appears in works of the sixteenth century which were written in defence of the principle that people might depose tyrannical

[1] Maine, Ancient Law, pp. 364, 365. *Cf.* Hallam, Middle Ages, chap. ii, pt. 2, vol. i, p. 187, ed. 1878.

[2] Robertson, Charles V., vol. i, note xxxii; Hallam, Middle Ages, vol. ii, p. 43.

[3] Middle Ages, II, 45.

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kings, and it finds its way into public and official documents. Thus

> the Scots, in justification of their deposing Queen Mary, sent ambassadors to Queen Elizabeth and in a written declaration alleged, that they had used towards her more lenity than she deserved; that their ancestors had heretofore punished their kings by death or banishment; that the Scots were a free nation, made king whom they freely chose, and with the same freedom unkinged him if they saw cause, by right of ancient laws and ceremonies yet remaining, and old customs yet among the Highlanders in choosing the head of their clans or families; all which, with many other arguments, bore witness that regal power was nothing else but a mutual covenant or stipulation between king and people.

I quote these words from Milton's *Tenure of Kings and Magistrates*. Buchanan, in his dialogue *De Jure Regni apud Scotos* and in the speech which in his *History* he puts into the mouth of the Regent Morton, expands the view of the Scotch monarchy to which Milton here refers. In fact Milton follows the very words of Buchanan. The coins stamped at the coronation of the infant King James VI, in 1570, bear on the reverse a drawn dagger and the motto PRO ME SI MEREOR IN ME — a grim version of the theory of contract.[1] The phrase is said to have been used by Trajan when handing a sword to the prefect of the Prætorian guard. This story is expressly alluded to in Buchanan's version of Morton's speech. And we may perhaps conjecture that Buchanan had something to do with the use of it as a motto on the coins of the Stuart king who, being only four years of age, was not yet able to give distinct utterance to his own opinions about government. The *True Law of Free Monarchies*, which James afterwards wrote in answer to the revolutionary theories of his old tutor, contains very different doctrine. But even King James himself used the phraseology of the contract theory in addressing the English Parliament of 1609:

> The king binds himself by a double oath to the observation of the fundamental laws of his kingdom. Tacitly, as by being a king, and so

[1] Becoming even more grim in the hands of Milton (Tenure of Kings and Magistrates) who omits the words "Pro me."

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bound to protect as well the people as the laws of his kingdom, and expressly by his oath at his coronation; so as every just king, in a settled kingdom, is bound to observe that paction made to his people by his laws, in framing his government agreeable thereunto, according to that paction which God made with Noah after the deluge. . . . And therefore a king governing in a settled kingdom leaves to be a king and degenerates into a tyrant as soon as he leaves off to rule according to his laws.[1]

This phraseology about compact faded from royal and royalist lips before the extreme assertions about "divine right" and the duty of non-resistance, which the Anglican bishops made the most prominent part of their religion. But this term came back as a nemesis upon the last of the Stuart kings when the Convention Parliament of 1688 declared that James had "endeavored to subvert the constitution of the kingdom by breaking the original contract between king and people."

III.

Locke published his *Treatise of Civil Government* in defence of the principles of the revolution of 1688, and it is very commonly believed that he maintained this theory of a contract between king and people. Locke was not a lucid writer, and misunderstandings of his theory of political obligation, as of his theory of knowledge, are excusable. Thus Josiah Tucker, dean of Gloucester,[2] criticises Locke for alleging that there must be an actual contract between king and people. The dean admits, however, that there is a "quasi-contract," because government is to be considered a "trust" to be exercised in the interests of the governed. But this is Locke's very phrase.[3] As we have seen, Locke quotes King James I about the "paction" between king and people; but the original compact on which he bases civil government is, just as with Hobbes and with Rousseau, a compact between individual and individual, *not* between king (or whatever else may be the government) and people.

[1] Quoted by Locke, Treatise of Civil Government, II, § 200.

[2] In his Treatise concerning Civil Government (London, 1781), p. 142.

[3] See Treatise of Civil Government, II, §§ 136, 142, 156. In § 149 he speaks of "the legislative" as "being only a fiduciary power to act for certain ends."

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Whosoever [he says] out of a state of nature unite into a community must be understood to give up all the power necessary to the ends for which they unite into society, to the majority of the community, unless they expressly agreed in any number greater than the majority. And this is done by barely agreeing to unite into one political society, which is all the compact that is, or needs be, between the individuals that enter into or make up a commonwealth.[1]

Civil society is, in Locke's view, "incorporated" for a certain purpose, *viz.* to secure the rights of the individual better than they can be secured in a state of nature. This is the "original compact." Society thus formed retains always a supreme power.[2] It does not treat with king, or other form of government, as one of two contracting parties: it entrusts the work of government (legislative, executive, judicial) to this or that person or persons; and if such person or persons fail to do their work to the satisfaction of the whole body of the people (which, as Locke has explained, means the majority), they may be dismissed and others put in place of them. Such an act of "revolution" may be inexpedient, but the people always retains its "supreme power." This seems to me a perfectly fair statement of what is most essential in Locke's theory; and it will be obvious that it is identical with what is most essential in Rousseau's. Rousseau's "inalienable sovereignty of the people" is just Locke's "supreme power that [in spite of the institution of a form of government] remains still in the people." Rousseau says explicitly that the institution of government is not a contract: the social contract by which the sovereign people is constituted excludes every other.[3] The institution of a government results from a law made by the sovereign that there shall be a government of such and such a form, and from an act of the sovereign nominating certain persons to fill the various magistracies thus created.[4] What the sovereign people has done it

[1] Treatise of Civil Government, II, § 99. In a footnote in the English translation of Bluntschli's Theory of the State (Oxford, 1885), p. 276 — a footnote for which I am responsible — I followed the usual fashion of contrasting Locke and Rousseau. Further study of Locke has convinced me that there is no essential difference between them in this matter.

[2] *Op. cit.*, § 149. [3] Contrat Social, III, 16. [4] *Ibid.* 17.

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can alter if it sees fit. Rousseau ascribes to his "sovereign," which can only consist of all, the same attributes that Hobbes had bestowed on his, which might consist of one, some or all — though Hobbes's personal preference was obviously for one. But though, as Mr. John Morley has put it, Rousseau has the "temper" of Hobbes, — his clear, if somewhat narrow, logical intellect, — he has done nothing more than apply this "temper" to the political principles of Locke. It is the custom of English writers to draw a contrast between Locke and Rousseau. There is a contrast between their styles, between their temperaments and between the temperaments of the audiences they addressed. But if we are considering simply their theory of the basis of political society and the grounds of political obligation, and their views about the abstract rightness of revolution, there is no difference between them. And Rousseau has the advantage over Locke, that he avoids altogether the attempt to make out an *historical* justification for the social contract.[1]

Thus the political philosophers of the seventeenth and eighteenth centuries who held the social contract theory held it in the same form as did Epicurus and certain Greek Sophists before him. The position maintained by Socrates in the *Crito* might seem more comparable with the mediæval and popular theory of a contract between government and people; but the contract Socrates is thinking of is a contract between the individual citizen on the one hand, and *all* the citizens on the other — a conception which has more affinity with the views of Rousseau than with the ideas of feudalism.[2] Greek political theory was the product of republican institutions, in which the free citizen felt himself a part of the sovereign body and not a mere subject. In feudal Europe every man found himself somewhere in a scale of subordination; he was some one's "man."

[1] Contrat Social, I, 1.

[2] When Rousseau says (Contrat Social, II, 6): "Tout gouvernement légitime est républicain," he only means the same thing which Aristotle expresses when he denies that a tyranny is a "constitution" at all. A king, as distinct from a tyrant, is to Aristotle and to Rousseau subordinate to the law. In Rousseau's language, he is the minister of the sovereign people; for them he governs and from them his power comes.

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This scale mounted up through nobles and kings to emperor and pope; and emperor and the pope were thought of as holding directly of God, — or else the emperor of the pope, and the pope alone directly of God. But allegiance rested everywhere, as we have seen, on *mutual* obligation. Even the relation of God to man was thought of in terms of contract. God had bound himself to man and man to himself by covenants and solemn promises. The Hebrew idea of covenant was supplemented by the Roman legal idea of contract and the theology of the Western Church was the consequence.[1]

The political philosophers of the seventeenth century did not borrow their theories directly from the Greeks. How then did their view of the original contract come to differ from the mediæval, which had become the popular, view? The existence of this difference has been clearly pointed out,[2] and so far as I know, the cause of it has never been fully explained. Attention has been called to the subject in a very interesting article by M. Charles Borgeaud in the *Annales de l'École Libre des Sciences Politiques* of April, 1890. He contrasts the Biblical and mediæval form of the theory which we find in the *Vindiciæ contra Tyrannos* of "Junius Brutus" (Languet or Duplessis Mornay?) and in the writings of Buchanan and others, with the theory of a contract between individuals which we find in

[1] *Cf.* Maine, Ancient Law, pp. 365 *et seq.*

[2] It has indeed been proposed by some recent writers to distinguish the "political contract" between government and people from the "social compact" by which a political society is formed. The distinction is, as I am endeavoring to show, of primary importance; but I do not think we gain anything by attempting nowadays to distinguish "contract" and "compact" in discussing the historical aspects of the theory. It may be true, as Professor Clark suggests (Practical Jurisprudence, p. 144), that the word "compact" was preferred by some writers as seeming to avoid the absurd idea that the agreement in question was legally enforceable. But, since Hobbes and Rousseau both use the term "contract" for the same agreement which Locke calls "compact," it only introduces confusion to attempt to keep up a distinction between these terms. Furthermore, as I point out, neither Hobbes nor Locke nor Rousseau allows that the relation between government and people is one of "contract"; and on the other hand the English Convention Parliament of 1688 speaks of "the original contract between king and people," while Hume speaks of "the Whig theory of the original contract," and yet means what Locke calls the "original compact." It seems to me, therefore, that an historical solution, and not a mere distinction in words, is necessary to clear up the confusion.

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Rousseau, but before him in Locke, in Hobbes and in Hooker. The last-named is apparently the first political writer after the Greeks in whom this form of the theory can be traced.

> Two foundations there are [says Hooker] which bear up public societies: the one, a natural inclination whereby all men desire sociable life and fellowship; the other, an order expressly or secretly agreed upon touching the manner of their union in living together. . . . To take away all such mutual grievances, injuries and wrongs [*sc.* as prevailed when there were no civil societies], there was no way but only by growing into composition and agreement amongst themselves, by ordaining some kind of government public, and by yielding themselves subject thereunto; that unto whom they granted authority to rule and govern, by them the peace, tranquillity and happy estate of the rest might be procured.[1]

In the first of these propositions Hooker was probably not conscious of going beyond Aristotle, who in the *Politics*[2] recognizes the work of the maker of the state ("the legislator") in addition to the natural impulse of mankind towards political society. But he has laid stress on the element of consent or agreement in a way which suggests the theories of Hobbes and Locke. Hooker probably had not particularly in mind the mediæval theories of a compact between ruler and subject, but was unconsciously influenced by the traditional habit of thinking about government under the formula of contract. Again, holding that the church, *i.e.* society in its religious aspect, has agreed upon its form of government, he naturally conceived of the state as fashioned in the same way. Further, Hooker inherited from the ecclesiastical politicians of the middle ages the doctrine of "the sovereignty of the people," *i.e.* the doctrine that kings and other rulers derive their power from the people. Thomas Aquinas (quoted by the late Dean Church in a note on Hooker) lays it down that "to order anything for the common good belongs either to the whole multitude or to some one acting in place of the whole multitude."[3] In adopting such ideas Hooker uses the words "consent," "agreement," *etc.*, and thus implicitly unites the two distinct theories that political society is based upon a contract

[1] Ecclesiastical Polity, I, c. 10. [2] I, 2, § 15. [3] Summa, I, 2, qu. 90, art. 3.

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and that the people is sovereign — the theories held by Locke and formulated with startling clearness by Rousseau. Hooker, we may say, is the agent through whom the mediæval doctrine of the sovereignty of the people reaches Locke; but he transmits it in words which easily suggest the phraseology of contract. Locke, it is to be observed, purposely bases his political thinking upon Hooker, because Hooker was an authority acceptable to the Anglican Tories against whom Locke had to argue.

But quite apart from the quiet meditations of Hooker, circumstances were already making the idea of a compact between individual and individual familiar to the minds of many men in the early seventeenth century. The Scottish Covenant was a solemn pact made "before God, his angels and the world" by "the noblemen, barons, gentlemen, burgesses, ministers and commons," *i.e.* by the Scottish people in their various ranks and stations; it was a covenant in which the king might join, but it was not a pact between king and people. The nobility and gentry of Scotland, says Mr. Gardiner,[1] had been in the habit of entering into "bands" or obligations for mutual protection. In 1581 King James had called on his loyal subjects to enter into such a "band" when the country was threatened by a confederacy of Catholic noblemen. This was the basis of the National Covenant of 1638. The absence of a firm government in Scotland had driven men to form compacts among themselves in order to escape the evils of perpetual lawlessness and warfare. It was an easy step from this actual condition to the theory that contract is universally the means by which men pass from the non-social state into that of orderly and peaceful society. The comparative powerlessness of the Scottish kings had allowed the mediæval theory of kingly authority based on contract to maintain itself; and the turbulence of the Scottish nobility was thus likewise one main source of the more revolutionary theory which based all society on contract between man and man.

But by far the clearest case of what seemed the actual formation of a political society by a mutual agreement, was the ac-

[1] History of England, 1603–1640, VIII, 329.

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tion of the emigrants on board the Mayflower, when they found themselves off "the northern parts of Virginia," where there was no existing government under whose authority they would come. Although formally acknowledging themselves "the loyal subjects of our dread sovereign King James," for all the practical and immediate purposes of government they think of themselves as constituting a new political society. In the familiar and famous words they declared, that "we do solemnly and mutually, in the presence of God and one of another, covenant and combine ourselves together into a civil body politic." It has become a commonplace to speak of the social contract as "unhistorical"; but it must be admitted that it has more justification of fact and of historical precedent in the declaration of rights of an American state constitution than anywhere else in the world. When Carlyle objects that Jean Jacques could not fix the date of the social contract, it would at least be a plausible retort to say that that date was the 11th of November, 1620.[1]

While practical needs were driving some men to base orderly government on mutual agreement, political theory was, in the minds of those friendly to liberty, moving in the same direction. Grotius, living under republican institutions, expresses the doctrine of a social compact in terms which seem to recognize both the forms of the theory.

> Since it is conformable to natural law to observe contracts [*stare pactis*] . . . civil rights were derived from this source, mutual compact.

[1] The influence of Calvinism, and especially of the "Independent" theory of church government, on the political ideas of the seventeenth century, is traced in Prof. H. L. Osgood's recent articles on "The Political Ideas of the Puritans" in this QUARTERLY, March and June, 1891, as well as in the articles by M. Charles Borgeaud, already referred to. An English translation of M. Borgeaud's articles is in preparation. Much light is thrown on the various political theories current at the time by the publication of the discussions carried on in the Parliamentary army in 1647, preserved in the *Clarke Papers* which Mr. C. H. Firth has just edited for the Camden Society. While Cromwell speaks of the king being "king by contract," Mr. Pettus gives a version of the contract theory identical with that afterwards maintained by Locke. Men were naturally free, but they "agreed to come into some form of government that they who were chosen might preserve property" (p. 312). Rainborow and Wildman maintain that "all government is in the free consent of the governed." In contrast with them Cromwell and Ireton manifest toward theories of abstract rights a conservative distrust with which Burke might have sympathized.

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For those who had joined any community or put themselves in subjection to any man or men, those either expressly promised or from the nature of the case must have been understood to promise tacitly, that they would conform to that which either the majority of the community or those to whom the power was assigned should determine.[1]

This passage is rather an adaptation of the mediæval theory to suit the case of republics as well as monarchies, than a clear recognition of the contract between individual and individual. But in the great literary champion of English liberty the theory of Locke and Rousseau is clearly expressed. We have already seen that Milton quotes Buchanan's account of the contractual character of the Scottish monarchy, but Milton's own theory is expounded earlier in his treatise:

No man who knows aught can be so stupid to deny that all men naturally were born free, being the image and resemblance of God himself, and were, by privilege above all creatures, born to command and not to obey; and that they lived so, till from the root of Adam's transgression falling among themselves to do wrong and violence, and foreseeing that such courses must needs tend to the destruction of them all, they agreed by common league to bind each other from mutual injury and jointly to defend themselves against any that gave disturbance or opposition to such agreement. . . . The power of kings and magistrates is only derivative, transferred and committed to them in trust from the people to the common good of them all, to whom the power yet remains fundamentally, and cannot be taken from them without a violation of their natural birthright.

This is precisely Locke's theory; expressed in Milton's impassioned language, it reveals its identity with the theory of Rousseau. Milton, like Locke, gives the theory a setting of Biblical history. Remove this setting and we have the theory as it appears in Rousseau.

The position of Hobbes becomes clearer if we consider it in the light of what has been said. With peculiar ingenuity he took the theory that had so often served to justify resistance and applied it in such a way as to make it the support of "passive obedience" — nay, of active obedience in almost every case

[1] De Jure Belli et Pacis (1625), Proleg. § 15, Whewell's translation.

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— to "the powers that be." Hobbes did this by explicitly denying the possibility of any "covenant" between king and subject, or of any covenant between man and God (except through the mediation of the sovereign, who is God's lieutenant), and by maintaining that the covenant which constitutes civil society is a covenant of every man with every man.[1] According to Hobbes men cannot pass from the state of nature, which is a state of war of all against all, into the state of orderly society except by handing over their natural rights (with what seems the inconsistent exception of the right to self-preservation[2]) to a sovereign — one, some or all. The sovereign is not a party to the contract, but is created by it. Hence to resist the sovereign is to return to the state of anarchy. If we translate Hobbes's practical thought out of the phraseology of the contract theory, it becomes simply this: Any evils are better than the risk of anarchy. Locke thought that continued misgovernment might be worse than anarchy, "the inconvenience being all as great and as near, but the remedy farther off and more difficult."[3]

The acutest criticism upon Hobbes is that implicitly passed on him by his great contemporary, Spinoza. Spinoza leaves alone the fiction of contract, but, working with Hobbes's conception of natural right as simply equivalent to might, argues that the right of the sovereign is also simply equivalent to his might.[4] This theory of government, however inadequate it may be, is at least self-consistent. On Hobbes's theory, whence comes the obligation to abide by the terms of the social contract? This contract is made not in the civil state but in the state of nature, and is therefore binding only by the law of nature.[5] Hobbes would probably have defended his theory by arguing that the natural right of self-preservation, which he

[1] Leviathan, c. 18.

[2] See Leviathan, c. 14. Many Englishmen of Hobbes's time would have been disposed to argue: "You take my life, if you do take the means whereby I live"; and others did think that the right of worshipping God after what they thought the true fashion was more precious than life itself.

[3] Treatise of Civil Government, II, § 225.

[4] Epistle 50.

[5] *Cf.* T. H. Green, Philosophical Works, II, p. 370.

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holds is inalienable — *i.e.* the natural instinct to strive for self-preservation — constitutes a sufficient obligation to adhere to the terms of the social contract. It might be to a person of Hobbes's own temperament; but how could such an answer be applicable to any one who argued, like Locke, that continued misgovernment might be a worse evil than anarchy itself?

Again, supposing a successful revolution to take place and a new government to be established, strong enough to maintain itself and to preserve that peace for which Hobbes cared above everything, what is a conscientious Hobbist to do? The new sovereign (one, some or all) is not the sovereign to whom every individual was previously supposed to have handed over his rights irrevocably, and yet this new sovereign is fulfilling the function for which alone men have given up their natural rights. The supposition was for Hobbes himself not altogether an imaginary one; and perhaps Hobbes was not acting inconsistently with his theories in submitting to the Council of State in 1651, in order to come to London and get his *Leviathan* published under a government sufficiently tolerant to allow its publication, and sufficiently strong to protect the author. The average royalist showed a wise instinct in regarding as a very suspicious ally the intellectual ancestor of both Rousseau and Bentham.[1]

Locke nowhere expressly denies that there is a contract between king and people, but, as I have shown, prefers to use the same phraseology as Milton and to speak of the king as having power intrusted to him by the always sovereign people. Locke's chief difference from Hobbes lies in his insisting that the dissolution of a government is not the same thing as the dissolution of a society.[2] A "politic society" is constituted by the original compact, and the appointment of this or that set of persons to do the business of government is a subsequent matter. As I have already pointed out, this theory is identical with that of Rousseau. Rousseau, like Hobbes, expressly

[1] Mr. C. H. Firth has called my attention to a passage in Clarendon's Survey of the Leviathan (1676), p. 92, in which Clarendon alleges that "Mr. Hobbes his book" and still more his conversation induced many persons to submit to Cromwell as to their legitimate sovereign.

[2] Treatise of Government, II, § 211.

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denies that there is any contract between ruler and people. Hobbes does so in order to repel the claims of the aggrieved subject. Rousseau does so in order to maintain the supremacy of the sovereign people. One particular form of Hobbes's "sovereign" is the only one that Rousseau allows — the sovereignty of all. Hobbes passes lightly over this form, because he thinks of the sovereign as identical with the government. Rousseau's sovereign is a power perpetually behind every form of government. Hobbes regards civil society as only possible when the individual surrenders his natural rights. In the less mechanical thinking of Rousseau the individual by the social contract gains for himself the protection of the whole force of the community and yet obeys only himself (*i.e.* his "common self") and remains as free as before.[1] When Rousseau goes on to argue as if the sovereign people could only act in a mass assembly, he forgets his own distinction between the *volonté générale* and the *volonté de tous*, and fails to grasp the full meaning of his own formula; for in the words in which he enunciates the nature of the social pact, he has risen, without fully knowing it, to the conception of society as organic; and in the idea of a "common self" higher than the individual self, he has anticipated the teaching of German idealism, or perhaps I should rather say, he has adopted a practical principle which requires for its explanation a profounder philosophy than his age had as yet provided.

For the purpose of political philosophy the history of the social contract theory ends with Rousseau. Kant and Fichte only repeat the theory in Rousseau's form, with a rather more complete consciousness of what it implies.

> The act [says Kant] by which a people is represented as constituting itself into a state, is termed the original contract. This is properly only an outward mode of representing the idea by which the rightfulness of the process of organizing the constitution may be made conceivable. According to this representation, all and each of the people give up their external freedom in order to receive it immediately again as members of a commonwealth. The commonwealth is the people viewed as

[1] Contrat Social, I, 6.

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united altogether into a state. And thus it is not to be said that the individual in the state has sacrificed *a part* of his inborn external freedom for a particular purpose; but he has abandoned his wild lawless freedom wholly, in order to find all his proper freedom again entire and undiminished, but in the form of a regulated order of dependence, that is, in a civil state regulated by laws of right. This relation of dependence thus arises out of his own regulative law-giving will.[1]

In this passage it will be seen that Kant agrees with Rousseau and differs from Locke in recognizing that the theory of the original contract is not an historical account of how political society grew up, but a logical analysis of the basis on which political society rests. Hobbes, as has been pointed out by Prof. Croom Robertson,[2] by calling "natural" the kind of society that is formed by acquisition, "not obscurely suggests that the institutive is first only in the logical, not in the historical, order." Kant, however, takes pains to bring out this unhistorical character of the theory more clearly than any of his predecessors. The "original contract," he says, in his *Principles of Political Right*,

is merely an idea of reason; but it has undoubtedly a practical reality. For it ought to bind every legislator by the condition that he shall enact such laws as might have arisen from the united will of the people; and it will likewise be binding upon every subject, in so far as he will be a citizen, so that he shall regard the law as if he had consented to it of his own will.[3]

Thus Kant explicitly recognizes that the conception of contract is a standard by which to judge institutions, not an account of the manner in which they came into existence. Kant may seem to avoid the assertion of the sovereignty of the people which is prominent in Rousseau; but in his *Zum Ewigen Frieden* he lays down, just as Rousseau does, that "the republican constitution is the only one which arises out of the idea of the original compact upon which all the rightful legislation of a people is founded."[4]

[1] Kant, Rechtslehre, p. ii, § 47, W. Hastie's translation, pp. 169, 170.
[2] Hobbes, p. 145.
[3] Hastie's translation, under title "Principles of Politics," p. 46.
[4] *Ibid.* p. 89.

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Fichte in his *Grundlage des Naturrechts* (1796) makes the social contract theory in Rousseau's form solve the contradiction between the "thesis" that "whatever does not violate the rights of another each person has the right to do, each person having the right to judge for himself what is the limit of his free action" — the usual assumption of "individualists" — and the antithesis "that each person must utterly and unconditionally transfer all his power and judgment to a third party, if a legal relation between free persons is to be possible" — which is Hobbes's theory.[1] Fichte does this without mention of the names of Hobbes or Rousseau; but his own theory does not in any essential point differ from that of the latter. His "will which is an infallible power, but only when in conformity with the will of the law" is identical with Rousseau's *volonté générale*, which cannot err.[2] Fichte prepares the way for Hegel; but Hegel's recognition of the element of truth in Rousseau's theory can be most conveniently referred to after we have considered the criticism and decline of the theory.

IV.

The most important and the most instructive criticism passed upon the social contract theory is that of Hume; for Hume's thinking belongs to the same type as that of Locke. Already in his *Treatise of Human Nature* (1739) Hume had assailed the theory, and his criticisms are repeated in his essay *Of the Original Contract* (1752). Rousseau's *Contrat Social* did not appear till 1762. But history is not the same thing as chronology; and in tracing the growth of ideas we sometimes find that the criticism of an opinion has begun even before the opinion has reached its fullest and completest expression. Hume does not content himself, like many later opponents of the theory, with urging that society did not as a matter of fact originate in contract — an argument which we have seen would be valid against Locke, but not against Hobbes, Rousseau or Kant. Hume does not neglect the historical argument, and what he

[1] Kroeger's translation, Science of Rights, p. 149. [2] Contrat Social, II, 3.

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says about the function of war in the making of nations is in entire accordance with the conclusions of recent sociology. But the more valuable part of Hume's criticism consists in his bringing out the logical inconsistency in a theory which bases allegiance upon promise. Why are we bound to keep our promises? The answer must be: Because otherwise society would not hold together. But does not this same answer explain the need of obedience to the law? The obligation to keep promises must be based either on the law of an already formed society or simply on force.

Bentham, in his *Fragment on Government*, refers approvingly to Hume's "demolition" of the "chimera";[1] but Bentham himself treats the contract theory only in its "mediæval" and popular form of contract between king and people. When asked "to open that page of history in which the solemnization of this important contract was recorded," the lawyers confess that it is a fiction. But Bentham is impatient of fictions. "I bid adieu to the original contract; and I left it to those to amuse themselves with this rattle, who could think they needed it."

History does not refute a theory which is unhistorical. But the growth of the historical spirit and the application of the historical method to the study of institutions diminish our appreciation of a way of representing facts which jars at every moment with ideas that have become commonplaces to us, however unfamiliar to most political thinkers in the last century. The method of Montesquieu predominates over the method of Rousseau, and Sir Henry Maine and others have addressed ears already prepared to accept their arguments.

There is a passage in Burke's *Reflections on the Revolution in France*, in which he uses the phraseology of the contract theory in order to rise above it to the conception of society as an organic growth:

> Society is indeed a contract. Subordinate contracts for objects of mere occasional interest may be dissolved at pleasure; but the state ought not to be considered as nothing better than a partnership agree-

[1] The metaphors are Bentham's; see chap. i, § 36.

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ment in a trade of pepper and coffee, calico or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked on with other reverence; because it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a partnership in all science; a partnership in all art; a partnership in every virtue and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead and those who are to be born.

The idea of organic growth, which is here only suggested, has now become one of the commonplaces about society. Wherever, indeed, there are federal institutions the phraseology of the contract theory is more natural;[1] and in such institutions we find the political justification of the theory as representing that side of the truth about human society which the historical antiquarian and the evolutionary sociologist are apt to ignore. Hegel, in his *Philosophie des Rechts*, recognizes fully the merit of Rousseau's theory in making will (consent) the principle of the state. A merely historical account of what has been in the past is no sufficient philosophical explanation of a political society. M. Alfred Fouillée[2] has endeavored to express the truth of both ways of regarding society by saying that the highest form of it must be an "*organisme contractuel*" — a formula that may perhaps gain more general acceptance than anything expressed in the phraseology of German idealism. The time has surely come when we can be just to Montesquieu and Burke without being unjust to Locke and Rousseau.

DAVID G. RITCHIE.

[1] Through the kindness of the editors of the POLITICAL SCIENCE QUARTERLY I have been enabled to see an interesting dissertation by Mr. J. F. Fenton, The Theory of the Social Compact and its Influence upon the American Revolution. The chief matter in which I should be inclined to disagree with Mr. Fenton is in what concerns the distinction between Locke and Rousseau. Locke, as I have pointed out, does *not* speak of "a contract between the people and an hereditary line of kings," and his theory is on the whole identical with "the rabid doctrines of Rousseau."

[2] In his Science Sociale Contemporaine.

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WOMAN SUFFRAGE IN LOCAL SELF-GOVERNMENT.

THE object of the campaign in favor of woman suffrage that is being carried on in various countries of the old and of the new world is sometimes to gain for women a full franchise, sometimes to secure for them only a vote in local affairs. The advocates of "women's rights" are perfectly willing to accept local suffrage so far as it goes, regarding this as the proverbially difficult first step. On the other hand, where women already vote in local elections, as in England, these reformers denounce the logical absurdity involved in giving a person a vote in the one case and withholding it in the other, when the general conditions under which suffrage is exercised are in both cases the same.

In fact, women already have local suffrage in many countries, but have obtained the political franchise in almost none. How has this come to be the case? Is there anything illogical in the distinction? Does the local vote involve, as a necessary consequence, the right to political enfranchisement; and, *vice versa*, does the denial of the latter right put the former in question? To answer these questions, we must ascertain, first of all, upon what conditions local suffrage has been granted to women in the various countries where it has been granted, and what are the circumstances that have led to its being granted at all. In this way we may gain both a scientific and a practical result: something may be added to the science of comparative legal history, and perhaps the solution of the political controversy may be made easier.

In this article I propose to undertake such a study in history and comparative legislation.

I. *Primitive and Mediaeval Communities.*

It is necessary to remember always, in this discussion, that the sphere within which local self-government acts is primarily

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that of local economic interests, and that it is only in second instance that powers of a political character are added. These last are powers of too complex a nature to be successfully exercised by the general government; and accordingly they are partly delegated, in all free countries, to the organs of local self-government. In character and in competence these organs are therefore partly public and partly private, some of them exhibiting more of the one element, others more of the other.

(1) The primitive type of self-government, the village community in the middle ages, found its origin, its basis and its cause for existence in the management of the common property. It was a natural, a spontaneous association, devoid of any political character. With all the autonomy which it succeeded in gaining, it had so little to do with political matters — it had, above all, so little connection with political liberty — that it has been able to exist under the most different systems of government, not excepting the most despotic. It is found in India to-day, with the same character as in Europe in the middle ages. Conquerors succeeded conquerors on the banks of the Ganges; the autonomous rural commune remained intact.[1] So in Europe, also, it has existed together with serfdom, and it exists to-day under the Russian autocracy. Collectivistic at the outset, — and so in some places at the present day,[2] — the village community permits a gradual emergence of individual property; but beside the land held in severalty, it preserves for the general use undivided property, commons, *Allmende*. Here, in the common interests connected with the forests, the pastures, the wells and the village-watch, the community system reasserts itself and maintains a vigorous existence for centuries. Not that it rises to the idea of juristic personality; on the contrary, the villagers do not distinguish the commune from the individuals who inhabit it. It does not occur to them that communal questions can be decided otherwise than by the agreement of all: in order that the com-

[1] *Cf.* G. L. Gomme, The Village Community (London and New York, 1890).

[2] So, to a certain extent, in Russia; and so even in Germany, in certain backward districts. On this last point, *cf.* R. Morier, Systems of Land Tenure in Various Countries; cited by Sir H. Sumner Maine, Village Communities (3d ed. London, 1876), p. 78.

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mune shall do anything, it is necessary, according to them, that each of its members shall raise the arm; in order that it shall move in this or that direction, it is necessary for each to thrust out the foot. Thus, for example, in the Russian village assemblies of the present day it is remarked that there is a strong feeling against decisions by simple majority.

> In the opinion of the *moujik* everything in the *mir* should be done by agreement; it is the concert and common will of the members of the assembly which constitute its authority. That a decision should be regarded as valid, as free from error or fear, as binding upon all, it is necessary in this primitive democracy that it should have the support or at least the recognition of all.[1]

The same was true in the communities of the middle ages, and particularly in the village assemblies in France. To them came "all who would, should and could," — "touz ces qui hont voluy, dehu et pehu," — as is said in a communal document of Burgundy, concerning a piece of communal business in 1331. Women appeared there by the same right as the men. "Their consent," says M. Babeau, "added to the validity of the contract, which was not binding upon those who were not mentioned in it."[2] Nor was there any age qualification: every person who had an interest had a place in the assembly. The name alone by which the communal right was frequently described showed how extensive it was: it was called right of vicinage, and the members of the assemblies were *les voisins* and *les voisines*.[3] A document concerning a contract of infeoffment concluded with the abbé of St. Savin in 1316 declares that the neighbors of Cautarets, male and female, "bésis et bésies de Cautarès,"

> collectively and individually, present and consenting, being neither deceived nor seduced nor misled by artful promises nor constrained by force, but of their free consent and will, in full knowledge of the matter,

[1] Anatole Leroy-Beaulieu, L'Empire des Tsars (Paris, 1881), II, 34. *Cf.* the similar remarks (of earlier date) in Ashton Dilke, Essays on Local Government (Cobden Club Series, London, 1875), p. 94.

[2] Le Village sous l'Ancien Régime (Paris, 1878), p. 23.

[3] So especially in Bigorre. De Lagrèze, La Féodalité dans les Pyrenées (Paris, 1864), p. 82.

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have declared their unanimous approval, with the exception of Gaillardine de Frechon (tots exceptat la dite Gailhardine del Frexo).[1]

In another document, three centuries later (1612), relating to the communal constitution adopted for a village in Scey-sur-Saône, we learn that it was drawn up in the presence of the notables of the place, assembled "sous l'orme estant devant le fourg banal où les ditz habitants ont coustume de s'assembler pour les négoces de leur communauté"; and that among these notables two women appeared, a widow and a girl.[2] It is not easy to establish with certainty whether the participation of women in the communal assemblies was a matter of right or an exceptional occurrence. M. Babeau, who thinks it was the exception, himself admits that it is difficult to determine for certain epochs who were members of the village assemblies and who were not.[3]

(2) In France as elsewhere the triumph of the absolute monarchy, with its all-absorbing centralization, destroyed the communal autonomy of the villages. The levelling storm of the revolution extinguished what little life they had left. The rural communities were assimilated to the city communes, both becoming administrative subdivisions cast in the same mould. At the same time, it is true, the levelling state was good enough to grant to the inhabitants of the cities and of the country the same political rights. These rights have covered, not to say flooded, the whole surface of local public life. Although, by reason of the occupations of its inhabitants, the rural commune has continued to concern itself mainly with concrete homogeneous interests of a private character, communal rights as such have been swallowed up in political rights, and the members of the commune have been merged into the general body politic. And as the women did not form part of the latter body, they found themselves formally excluded from communal rights, even when the commune busied itself simply with the

[1] *Cf.* the *vicini* in the title De Migrantibus of the Lex Salica.

[2] Revue des Sociétés Savantes des Départements, 5me série, tom. i, année 1870 (Paris, 1871), p. 510.

[3] *Loc. cit.*

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material interests of its inhabitants. Such were the effects of the revolution as regards local self-government.

One solitary decree of the Convention, which had otherwise shown little tenderness for "women's rights,"[1] conferred upon them the suffrage in a special case, *viz.* the partition of the common property. For the purposes of this transaction the village community presents itself to the mind of the legislator in its ancient conception, with its primitive *raison d'être;* and the legislator himself is transported to the past, to the time of *voisins* and *voisines.* For the special occasion he convokes men and women, "collectively and individually"; only the meeting-place is no longer "beneath the elm that stands before the common bake-house," but in the polling booth. The decree of June 10–11, 1793, which directs the municipal authority to summon the inhabitants to deliberate upon the partition of the communal property, declares in article 5 that in the "assemblies of inhabitants" convoked for this purpose "every person of either sex having a right to partition [*i.e.* holding an undivided share of the common property] and being twenty-one years old, shall have a right to vote."

The establishment of universal suffrage under the second republic deprived communal right of that frail economic basis which the property qualification had furnished. Women could no longer plead to be admitted to the enjoyment of communal right on the ground that they were municipal stockholders; for the stock company had been dissolved. Henceforth they could base their claims on philosophical grounds only. Pierre Leroux took charge of their case in the Legislative Assembly. On the twenty-first of November, 1851, during the discussion of the communal elections bill, he offered an amend-

[1] The Convention adopted numerous measures against female politicians, decreed the suppression of women's clubs and societies, forbade their assembling, *etc.* The speeches delivered in the great revolutionary assembly on these occasions were extremely hostile to women politicians. Representative Amar, who demanded that measures be taken against them in the name of the Committee of Public Safety, cried: "Ought women to exercise political rights and participate in the affairs of the government? Public opinion repels the idea." — Reprint of the old *Moniteur*, XVIII, 299.

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ment to the clause reading: "The list of electors shall consist of the Frenchmen of full age." The substitute proposed by the St. Simonian philosopher read: "Frenchmen and Frenchwomen of full age."[1] It was not adopted.

(3) Although in the Teutonic world the difference between rural communities and city communes has not been completely swept away, yet here too the village communities have changed in character. The bonds of union formed in the sphere and on the basis of common interests, relaxed in proportion to the division of the common property and the disappearance of the reciprocal real servitudes which rested upon the private estates in the commune. As the economic basis of the old village community grew weaker, monarchic centralization, with regulations more vexatious and more penetrating than those of the seigniorial rule which it had replaced, began in its turn to contribute to the destruction of the rural community. During this process of disintegration, it is at one moment the personal, at another the real element[2] in the old communal association that comes prominently into view, no longer blended in a living whole, but separate and isolated.

In South Germany and in Switzerland communal right, or "communal citizenship" (*Gemeindebürgerrecht, droit de bourgeoisie*), came to depend upon descent from citizen parents; it was transmitted from generation to generation as a sort of inheritance; it was personal without being individual. But here also, the effect of the French Revolution, with its conception of "the man *per se*," was to individualize communal as well as political rights. For the attainment of equality of rights a conflict breaks out between the citizens (*Bürger*), the denizens (*Einsässe* or *Hintersässe*) and the residents (*Aufenthalter*), — a struggle of which Switzerland has been and still is the special arena.

[1] *Moniteur*, November 22, 1851.

[2] As a matter of fact, many intermediate shades also appeared during the transformation of the German communal system; but these need not be noticed here. It is sufficient to refer to the great work of O. Gierke, Das Deutsche Genossenschaftsrecht (Berlin, 1868), I, 725 *et seq.*

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In the northern countries of the Teutonic world, however, a middle term was found for communal right; it came to be something between the personal right of a particular individual, detached from the soil, and the personal right "to bearer" as a male human being. The possession of real property was taken as the qualification for communal right, without regard to the person. Connection with a concrete group, which had given such a character of exclusiveness to the corporate life of the cities, was no longer required; but on the other hand no recognition was accorded to the atoms into which the political rationalism of the eighteenth century had resolved modern society.

The possession of real property having thus become the exclusive basis of the right, and the personality of the owner being completely disregarded, — how could the distinction of sex appear material? In fact, we find that almost everywhere in the Teutonic world where communal right is based on the possession of realty, — among the Anglo-Saxons, the Scandinavians, the Germans, — woman is admitted to the exercise of this right. The feudal rule that the law of the soil overrides the law of the person, which made women capable of succeeding to fiefs, even to the capital fiefs, and to the crown, — this rule reappears; but it is now applied in a manner that is at once broader and more narrow. Property in land having been democratized, there is no longer any distinction made between possessors who are noble and those who are not. But on the other hand, modern thought distinguishes public from private rights, and no longer permits the association of public powers with the exercise of a property right. While, therefore, the communal vote is given to women, by virtue and on account of such a right, just as it is given to companies and to juristic persons, care has been taken to limit it to those parts of the system of local self-government which are destitute of any political character, and which are concerned chiefly with the management of the economic interests of the locality. The development of modern civilization has produced its most marked social results in the cities; the new wants which it has created have

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multiplied and complicated public functions there to such an extent that, when the powers delegated by the central government are also taken into account, the self-government of cities exhibits a character which makes them seem almost like states. Municipal suffrage has there acquired a range that almost makes it a political franchise. Consequently the communal suffrage of women has generally been confined to the country or to towns of minor importance. Where it is limited to the rural communes it encounters fewer obstacles, because in the agricultural districts the difference between the sexes is slighter in every respect.[1]

In certain countries the capitalistic character of the present economic system has introduced, side by side with the possession of realty, the payment of taxes as a qualification for casting a communal vote. Of course this rule inures to the advantage of women as well as of men, wherever the former are admitted to communal rights at all. But in those countries in which communal right no longer rests upon that material basis which gave to the old community its economic *raison d'être*, women are excluded from communal suffrage. Whenever they claim it under circumstances which take it out of the category of private rights, — for example, under the system of universal suffrage, where it is confounded with the political franchise, — they are absolutely non-suited.

Now that the origin and the nature of the communal suffrage of woman has been established, let us examine in detail the law relating to the subject in the various countries at the present day.

II. *England.*

"Local government in this country," says an English writer, "may be fitly described as consisting of a chaos of areas, a chaos of authorities and a chaos of rates."[2] Happily I have

[1] *Cf.* W. Riehl, Die Familie (Stuttgart, 1882) and especially chapter ii, on the Separation of the Sexes in the Progress of Civilization, in which the author shows how closely country women resemble men in their occupations, their manner of living, their figures, voices, heads, *etc.*, and how much more marked the line of separation becomes in city life, and in general in more highly civilized society.

[2] M. D. Chalmers, Local Government (London, 1883).

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not to undertake the task of bringing order out of this triple chaos.[1] I shall confine myself to indicating the territorial divisions and the elective offices to which are assigned the public services of local government, in order to see what share of power is there allotted to women.

(1) The primary unit of which all the other organizations of the local government are made up is the (civil) parish. This is the old township. Its present name is derived from the ecclesiastical unit which has been grafted upon it and which, while preserving its own character, shares with the civil unit its administrative organs. The parish is the first district for the assessment of the poor tax — which is *per se* the most important business of English local government, and upon which also the assessment of many other rates is modelled. All who pay the poor-relief tax upon lands and houses in the parish, have votes in the parish vestry. Like the freemen of the township period, they meet in general assembly, known as the vestry, to decide upon their common affairs. The votes are reckoned in proportion to the taxes paid, on the basis of one vote for each fifty pounds of assessed value, up to a limit of six votes. In the populous parishes the full assembly can delegate its powers to a council chosen from among its members, the "select vestry." To take part in the vestry meeting residence is not requisite; payment of the rates is all that is necessary. Thus personal ties are wholly disregarded; property alone is taken into account; and all its representatives without exception are entitled to vote, women as well as commercial companies. I must hasten to add that at the present time the vestries have few powers: their functions have been transferred little by little to other bodies. The most important of these functions, the poor relief, has been almost entirely vested, as a result of the great reform of the poor laws in 1834, in the guardians of the poor; and a number of other

[1] I can do no better than refer the reader who desires information concerning English local government to the work of Chalmers just cited, and to the articles by Professor Frank J. Goodnow, in the POLITICAL SCIENCE QUARTERLY, II, 638; III, 311.

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local-government powers have since been transferred to these officers. In the election of guardians women take part precisely as in the parish vestries; for the guardians are chosen in each parish by the ratepayers.

A word in regard to the manner in which women cast their votes. In the vestry meetings they take part in person, just as the *voisins* and *voisines*, "collectively and individually present," did in the rural communities of the middle ages. In the election of guardians, the women, like the male electors, vote at home. Policemen distribute the ballots from house to house and come back a few days later to collect the votes.

(2) Side by side with the civil parish the ecclesiastical parish still maintains its existence. Its organ of government is the vestry, in the primitive sense of the term. This ecclesiastical vestry consists of the clergyman, the churchwardens (who are *ex officio* overseers of the poor) and the parishioners. Every member of the parish, *i.e.* every ratepayer, may take part in the meetings of the ecclesiastical vestry precisely as in those of the civil vestry. Women are not excepted. That is the common-law rule. But it is worthy of remark that the written law does not favor the participation of women in the affairs of the parish. Thus so recent a law as the Public Worship Regulation Act, passed in 1874 (which authorizes parishioners to lodge with the bishop protests against the conduct of priests in regard to the observance of rites, the ceremonies of worship and the ornaments of the church[1]) declares that the term "parishioner" is to be taken to mean "a male person."

(3) Whether women are eligible to the offices of the ecclesiastical parish, is a question upon which the texts are silent. As regards the position of sexton, there is a decision of the Court of King's Bench rendered in 1739. The question was raised in the case of Olive *vs.* Ingram,[2] and gave occasion to the first

[1] 37 and 38 Vict. c. 85, sec. 6. This act was passed on account of the ritualistic movement which had made its appearance in the Church of England, and which has introduced into public worship ceremonies resembling those of the Roman Catholic ritual.

[2] 7 Mod. Rep. 263.

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judicial discussion of "women's rights." It was decided that a woman could be invested with the duties of a sexton. It appears that women are equally eligible to the office of churchwarden, the only qualification required being that of an "inhabitant householder."[1] Women are likewise eligible to the position of guardian of the poor. The absence of any express provision of law has given rise to doubts on this point, but in practice the question has been settled in favor of their eligibility to the board of guardians.[2] Under the guardians of the poor there are in each parish overseers of the poor, who keep the rolls of ratepayers and make out from these rolls the lists of electors, the poor tax serving as basis for the electoral census. This office, although representative, is not elective; the overseers are appointed each year by the justices of the peace from among the "substantial householders." Judicial opinion[3] supported by long usage has decided that women can hold this position.

(4) The cities form special units of local government, and their organization is by no means uniform. A certain number of them occupy a privileged position, under the title of "municipal boroughs." These alone are municipal corporations, enjoying a considerable degree of autonomy by virtue of charters of incorporation granted in the pleasure of the crown. Of the thousand urban agglomerations with more than two thousand inhabitants each, only a quarter possess the rank of "municipal boroughs." The other cities have as such no legal existence: they are simply geographical units.[4] In past times the privilege of incorporation was often granted to wretched little hamlets. But whether they were once of consequence or not, the municipal corporations degenerated everywhere into corrupt oligarchies. The municipal reform of 1835 destroyed these hereditary cliques and extended the municipal franchise to all the inhabitants who paid the poor tax as occu-

[1] *Cf.* E. Eiloart, The Law Relating to Women (London, 1878), p. 19.
[2] *Ibid.*
[3] Rex *vs.* Stubbs (1787), 2 Durnford and East, 395.
[4] So Chalmers, *op. cit.* p. 62.

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pants of realty. But in doing this, the legislator judged that the body of municipal electors would be sufficiently increased, and that the municipal autonomy (which included the direction of the police) would be sufficiently protected, without including among the voters *all* the ratepayers without distinction of sex, as was the practice in the parish. So it was expressly provided in the Municipal Corporations Act of 1835 that the electoral franchise in the municipal boroughs should belong to male persons only.[1]

Before long the unorganized condition of the larger towns that were not municipal boroughs received the attention of Parliament. It did not grant them communal autonomy, — there could be no question of that, — but conceded special powers to establish sanitary systems and to undertake works of public utility such as lighting, paving, sewerage, *etc.* The special acts passed for these purposes from time to time, as the necessity for them arose, were consolidated and made general in two statutes: the Public Health Act of 1848, for a class of towns designated as "local government districts," and the Commissioners' Clauses Act of 1847, for the cities described as "improvement commissions districts." These acts gave to these urban agglomerations an incipient municipal organization, by establishing boards of health in some, and in others commissions to direct the public works. In both these classes of "nascent, half-developed municipalities,"[2] which had scarcely emerged from the parochial phase of local self-government, the authorities — *i.e.* the members of the boards of health and the commissioners — were elected, as in the parishes, by the ratepayers without distinction of sex.

As these cities enlarged and developed, they were admitted to the honor of municipal incorporation. But since the Municipal Corporations Act limited the franchise to men, it resulted that while the city which was promoted to the rank of municipal borough saw its rights increased, a part of its inhabitants —

[1] 5 and 6 Will. IV, c. 76, sec. 9.

[2] G. Brodrick, Local Government in England (Cobden Club Essays on Local Government, ed. by Probyn: London, 1882), p. 38.

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the women — saw theirs suppressed. This anomaly gave the advocates of woman suffrage a chance to demand that the ballot be granted to women in the municipal boroughs.[1] In 1869 Mr. Jacob Bright introduced such a measure in the House of Commons, and it was adopted almost without discussion.[2] So evident, as the supporters of woman suffrage said and say still, was the justice of their cause. On the other hand it may be remarked that the House had refused before 1869 (and was going to refuse after 1869) to give women the Parliamentary suffrage, although this was demanded under circumstances identical with those under which the borough franchise was granted them. From the fact that the legislature expressly excluded women from the suffrage in the Municipal Corporations Act while it gave them the ballot in parochial administration, it is perfectly clear that it meant to maintain in this regard a distinction between the elementary sphere of local interests and the higher spheres of self-government. In the same spirit, as we shall see later, a distinction has been established in Germany between the cities and the rural districts. But when the English legislator placed the administration of the "nascent, half-developed municipalities" — which were only temporarily such and which might become cities of the first rank — on the same plane, as far as the suffrage of women was concerned, with the government of the parishes, he substituted a fluctuating for a permanent test, and as a result wiped out his own line of demarcation. When this fact was brought out, Parliament could not but recognize and bow to it. This recognition was decisive: it resulted in the overthrow of the electoral barriers against women in the entire domain of local self-government. The clause which, upon the proposal of Mr. Jacob Bright, was inserted in section 9 of the municipal act of 1869,[3] found its way into the revised municipal act of 1882.[4] Section 63 of this latter act reads: "For all purposes connected with

[1] In 1869 there were in England 78 non-corporate cities in which women had the right of voting.

[2] Hansard, Parliamentary Debates, vol. cxcvi, Appendix, June 7, 1869.

[3] 32 and 33 Vict. c. 55. [4] 45 and 46 Vict. c. 50.

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and having reference to the right to vote at municipal elections, words importing in this act the masculine gender include women." This clause gave women the ballot in the municipal boroughs, but did not make them eligible to office. And as the general qualification for municipal suffrage is the occupancy by the elector in his own name of a house subject to the poor tax, the law includes independent women only, not married women. Of this there was no doubt. But how if the woman be separated from her husband and have a separate dwelling upon which she pays the tax? In the case of Regina *vs.* Harrald,[1] decided in 1872, the Queen's Bench held that a woman who is neither widow nor spinster is excluded from municipal suffrage. As the lord chief-justice declared, the legislature meant only to do away with the injustice to which a woman was subjected who paid the tax and had no vote, and by no means intended to change the status of married women, who according to the common law are merged in their husbands. The court felt more doubt as to whether, if a woman were placed upon the annual list of electors at a moment when she was still unmarried, she would lose the right of voting by a subsequent marriage.[2]

When in 1881 the municipal suffrage was extended to women in Scotland, the question whether the separated woman could vote was decided in her favor.[3] But of course this does not change the position of married women in England.

(5) A year after the introduction of the municipal suffrage of women they obtained (in 1870) the school vote also, in connection with the establishment of the existing system of primary instruction. Before 1870 almost all the primary schools were private institutions based on private endowments, belonging generally to the various religious bodies. The act of 1870 provided that in those districts where the Education Department or the ratepayers themselves should find it necessary to establish public schools, there should be formed for their direc-

[1] E. L. R. 7 Q. B. 363.
[2] *Cf.* the opinion of Justice Hannen, *ibid.* 364.
[3] 44 Vict. c. 13, sec. 2.

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tion a school board of from five to fifteen members, chosen by the usual electors of the municipal boroughs or the parishes,[1]— a provision which of course includes the women, except in the "city" of London. In that part of London the members of the school board are designated by those persons to whom the peculiar constitution of the city gives the right of voting for the common councilmen,[2] and this right belongs only to males.[3] As no conditions for eligibility to the school boards are laid down in the law, it has been taken to mean that no one is excluded, neither single women nor married women. The general orders of the Education Department have introduced only an age qualification.[4]

(6) It still remained for women to make their way into the local government of the county; but county government, although representative, was not elective. In 1888 county councils were established, chosen by the ratepayers. The analogy of the municipal councils demanded that women should be included among the electors of the new local assemblies. Accordingly the Local Government Act of 1888[5] admits women to the electorate in England, and the act of 1889[6] gives them the same right in Scotland. The provisions in these acts concerning the suffrage of women are borrowed from the respective municipal acts; so that in England a married woman separated from her husband is debarred from voting, but she enjoys the privilege in Scotland.[7]

Eligibility to the county councils is made, by section 2 of the act of 1888, to depend upon the same conditions as those established for the municipal councils, so that women are excluded. Certain women, however, assumed themselves to be qualified and became candidates. The widow of Lord Sandhurst and the daughter of the famous Cobden were elected in London. The county council of the metropolis, on its part,

[1] 33 and 34 Vict. c. 75, sec. 29. [2] *Ibid.* sec. 37, § 6.
[3] 12 and 13 Vict. c. 94, and 30 and 31 Vict. c. 1.
[4] Hugh Owen, The Elementary Education Acts, 1870–1880 (16th ed. London, 1884), p. 112.
[5] 51 & 52 Vict. c. 41, and County Electors Act, 51 Vict. c. 10, sec. 2.
[6] 52 & 53 Vict. c. 50. [7] *Ibid.* sec. 28, subdiv. 2, § 1.

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having to choose county aldermen,[1] elected a woman as one of the aldermen. But before long the right of these women to sit and to vote was tested in the courts. Lady Sandhurst's defeated opponent obtained from the proper court a decision that the votes obtained by her were null, because cast in favor of a person not possessing the necessary legal capacity, and that he himself had been elected to represent the district. The defendant appealing, the decision rendered in first instance was upheld.[2] The two other female members of the London county council, without resigning, absented themselves from the meetings until a year had elapsed, and then resumed their seats. The purpose of this proceeding was to take advantage of section 73 of the act of 1882, which declares that the validity of an election cannot be contested after the expiration of twelve months. But one of their male colleagues, whose sense of legality revolted against seeing in the council persons who had no right to sit there, brought action against one of these ladies (under section 41 of the Municipal Corporations Act of 1882) for the recovery of a penalty of fifty pounds for each of five occasions upon which she had voted in the council. The Queen's Bench Division recognized the presence of extenuating circumstances, and condemned the defendant to pay only twenty-five pounds for each vote. The Court of Appeal was still more lenient, and taxed each vote at ten shillings.[3]

In the Local Government Act for Scotland, passed a year later than the act for England, the legislator takes care to state expressly that women are ineligible to the county councils.[4]

Before passing to the countries of the continent, it should be remarked that all the legal provisions analyzed above relate to Great Britain only, *i.e.* to England, Wales and Scotland, and do not apply to Ireland. In this last country women enjoy no

[1] Two-thirds of the town councillors and of the county councillors are elected by popular vote for a term of three years; after which the elected councillors choose the members of the last third (who are called aldermen) for a term of six years.

[2] Beresford *vs.* Lady Sandhurst, E. L. R. 23 Q. B. D. 79 (1889).

[3] De Souza *vs.* Cobden, E. L. R. (1891) 1 Q. B. 687.

[4] 52 & 53 Vict. c. 50, sec. 9.

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electoral rights whatever, either in the parishes, the municipalities or the counties. To this rule there are only a few unimportant exceptions. In the city of Belfast they vote for the harbor commissioners, and in a few other places for city commissioners; but that is all.[1]

III. *Scandinavian Countries and Finland.*

(1) In Sweden local self-government is exercised in first instance, in the city and country communes, by the taxpayers in general assembly or town meeting, where their votes are reckoned in proportion to the taxes paid, according to a graded scale, just as in the English vestries. In the cities with a population above three thousand the taxpayers elect a communal council. In the smaller cities as in the rural communes the election of a council is optional. The executive organs of the commune are appointed by the town meeting, or when this body has delegated its powers to a council, by the council. In the full assemblies of the communes that have no councils, and in the elections at which councillors are chosen, unmarrried women have the same right of participation as men. They may vote in person or (making use of a right that is general) by proxies.[2]

The next higher instance of local self-government consists of provincial councils (*landstings*). All the municipal electors, women not excepted, vote for the members of these councils. In the cities the election is direct; in the rural communes it is indirect, through electors. The *landstings*, in concert with the communal councils of the large cities, elect the members of the upper house of the legislature. This body represents interests, while the lower house is based on population or numbers, each elector having the same voice in choosing its members. Thus, owing to the peculiar constitution of the upper house, the women, through their participation in the municipal

[1] *Cf.* Mrs. Ashton Dilke, Woman Suffrage (London, 1885), pp. 83, 85.

[2] Communal law of March 21, 1862: for the communes, §§ 14, 29 and 42; for the cities, except Stockholm, §§ 26, 27. For Stockholm, the law of May 23, 1872, § 5, and that of August 27, 1883.

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elections, are able to exert an indirect influence in the selection of its members.

Although, as we have seen, women take part in the general assemblies and possess the communal vote in the first instance, they are not capable of being elected. Two exceptions to this rule have been established by the recent laws of March 22, 1889. One of these laws has made women eligible to the municipal poor-relief committees throughout the kingdom; the other permits their appointment to the school commission in Stockholm.

(2) In Norway women have no share in local government, except in the school administration. Their rights in this regard are defined in the law of June 26, 1889. In the cities they are eligible to the school boards which direct the public schools.[1] Those who have children can vote for inspectors. In the rural communes women play a more important part. Each of these communes is divided for the purposes of school administration into districts; and each district has its assembly, which votes supplies, decides upon other school matters and appoints the inspectors. In these assemblies all who pay the school tax take part, women as well as men. In deciding questions which do not relate to expenses, the parents of children — mothers and fathers alike — are entitled to vote even where they contribute nothing to the school funds. Women are eligible to the office of inspector.[2]

(3) In Denmark women are entirely excluded from local government; but they have been admitted to it in one Danish dependency — Iceland. This island, possessing a population of 75,000 souls, is governed by an independent legislative assembly (*Althing*), under the sanction of the King of Denmark. For the requirements of local administration, the island is divided into twenty-two districts (*sysler*), which are subdivided into cantons or communes (*hrapper*). The magistrates placed at

[1] The members of these boards are for the most part chosen by the municipal councils. Law of June 26, 1889, §§ 40, 47.

[2] *Ibid.* §§ 47, 53, 54. I am indebted to the kindness of Professor Aschehong, of the University of Christiana, for a detailed analysis of the Norwegian school law.

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the head of these administrative divisions are chosen by the electors who possess the requisite property qualifications. The law of May 12, 1882, has given women the right to take part in these elections as well as in the parishioners' meetings for church affairs. Among the persons entitled to vote the law expressly includes "widows and other unmarried women who have an establishment of their own, or otherwise occupy an independent position."[1]

(4) Finland, which was attached to Sweden for centuries before it fell under the sway of Russia, is still influenced by the movement of legislation in the former mother-country. Soon after the introduction of the Swedish municipal organization which I have just analyzed, Finland reformed its own system. The law of February 6, 1865, concerning the rural communes, admitted women to communal rights under almost the same conditions as in Sweden. The communal administration in the Finnish country districts is vested, as in Sweden, in the general assembly of the taxpayers (*Communalstämma*), and in the second instance in executive committees (*Communalnâmnd*) elected in the general assemblies. The right to vote in these assemblies is accorded (§ 10) to widows, divorced women and unmarried women.

The municipal government of the cities was until a rather recent date in the hands of corporations of "burghers" — who displayed in Finland the same narrow and exclusive spirit as in other countries. The law of December 8, 1873, put an end to this oligarchic régime and conferred communal rights upon all taxpayers, women as well as men (§ 10). Every woman who is "mistress of her person and her property," *i.e.* every widowed, divorced or unmarried woman, enjoys the right of taking part in the deliberations of the communal assembly (*Râdhusstämma*) in the cities of less than two thousand inhabitants where the municipal government is direct, and also in the election of representatives (*Stadsfullmäktige*) in the cities where the deliberative powers of the general assembly are delegated to a council.

[1] Annuaire de Législation Comparée (Paris), XIII, 829.

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Votes have always a relative value, in proportion to the taxes paid by the voter.

Eligibility to the office of city representative and to membership in the executive committees of the country communes is restricted to men.[1] But a recent law (August 6, 1889) has made women eligible to the poor-relief bureaus in the cities, and also in the country wherever similar bureaus exist independently of the communal committees (the *Communalnâmnd*).[2]

IV. *Germany and Austria.*

In the first section of this paper, I tried to bring out the point that whenever communal law, taking property as the criterion and eliminating the personal element, has admitted women to municipal suffrage, it has at the same time, as far as they are concerned, drawn a line of demarcation between those organs of local self-government which are essentially of a private character and those which by reason of the complexity of the public functions intrusted to them exercise an activity that resembles that of the state. In England, where the local franchise of women was limited at first to the parish vote, it has appeared necessary, on account of a combination of circumstances which I have indicated, to extend it. In Sweden, Finland and Iceland, where there are few large cities and where the difference between the city communes and the rural communes is much less pronounced than in other countries (we have seen that they are both governed directly by general assemblies), women have been admitted to communal rights in the cities as well as in the country. In Germany, where the contrast between the cities and the rural communes is very pronounced, we find for the first time a clearly drawn and strictly maintained line of demarcation between them, as regards the enjoyment of communal rights. Women are admitted

[1] Law of 1873 on the organization of cities, § 27; law of 1865 on the rural communes, §§ 13, 43.

[2] Mr. W. Chydenius, of the University of Helsingfors, has been so kind as to send me a translation of all the provisions regarding women in the laws cited.

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to local suffrage in the country, but universally excluded in the cities.

It is in this way that the question has been settled in Prussia: notably in the six eastern provinces, where, side by side with cities possessing a generous measure of autonomy and exercising extended powers, there are rural communes (*Landgemeinden*), each of which is "essentially a private corporation, an association for economic purposes, to which a minimum of public work has been delegated from geographical necessity."[1] These communes have no police jurisdiction, do not coincide with the administrative divisions of a public character, and consist only of "closely-packed villages situated in the centre of a parcelled-out agricultural area which till a very late date was cultivated in common on the three-field system."[2] The law of April 14, 1856, concerning the organization of the rural communes in the six eastern provinces of the kingdom of Prussia (section 6), as well as the analogous law of March 19, 1856, for the province of Westphalia (section 15), provide that persons of female sex who possess real property carrying with it the right to vote shall be represented — the married women by their husbands, the single women by electors of the male sex. A similar provision was adopted for the province of Schleswig-Holstein, after its annexation by Prussia (law of September 22, 1867, section 11). But in the Rhine province, where the administrative and the private law still show deep traces of the French influence, women are expressly excluded from the communal franchise: section 35 of the law of July 23, 1845, amended May 15, 1856, declares that communal right (*das Gemeinderecht*) can be exercised only by the highest taxpayers — these alone were electors at that time — of the male sex.[3]

To a certain extent women take part also in the elections for the cantonal assemblies, the rural circle diets (*Kreistage*),

[1] Sir Robert Morier, Local Government in England and Germany. An essay reprinted from the Cobden Club Series on Local Government (London, 1888), p. 71.

[2] *Ibid.* p. 72.

[3] For the text of all these communal laws, see Stoeppel, Preussisch-Deutscher Gesetz-Codex, (6 vols., Hamburg, 1882).

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the members of which are elected by (1) the large rural landowners and the proprietors of factories and mines who pay the heaviest taxes upon industrial enterprises carried on in the open country within the limits of the circle; (2) the independent landowners and persons engaged in the above-mentioned business pursuits who pay a smaller amount of taxes upon such business, and the representatives of the rural communes; and (3) the cities, if there are any in the rural circle. This somewhat feudal organization gives women the right of representation in the group of large landowners with its two subdivisions. The members of this group vote in their own names; and the unmarried women belonging to it vote by representatives whom they select from among the landowners.[1] The votes of the women of this group exert an indirect influence all the way up to the provincial assemblies (*Provinziallandtage*), these last being composed of deputies of the rural circles appointed by their respective circle diets, and of representatives of the large cities.

In Brunswick the rural communes law of March 19, 1850, provides that the elector must vote in person, but makes (among others) an exception permitting widows and single women to vote by proxy. Sons, stepsons or sons-in-law who are designated as proxies are not held to present a formal commission (section 22).[2]

Finally, in Saxony women are admitted to the communal vote in the country districts on the same terms as men. Section 34 of the law of April 27, 1873,[3] gives the right of voting "to all the members of the commune, excepting women not domiciled," who possess real property, *etc.*, in the commune. Married women are represented in the voting by their husbands; single women vote in person (section 16). The old communal law of November 7, 1838 (section 30) went so far as to pro-

[1] Law of December 13, 1872, on the organization of the circles, §§ 97, 98. Annuaire de Législation, II, 308, 309.

[2] Gesetz- und Verordnungssammlung für die Herzogl. Braunschweigischen Lande, 37 Jahrgang, 1850.

[3] Landgemeindeordnung für das Königreich Sachsen; Gesetz- und Verordnungsblatt vom Jahre 1873 (Dresden).

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vide expressly that husbands should vote for their wives only in case they were not separated from bed and board.[1]

Eligibility to communal office is denied to women in all the countries enumerated above.[2]

In Austria, as one consequence of the revolutionary movement of 1848, the legislator endeavored to infuse fresh life into the localities by giving a liberal organization to the rural communes. The law of 1849 granted communal rights to all persons paying taxes on realty and industrial enterprises, and also to various classes of "capacities" — ministers of religion, university graduates, school principals and teachers of the higher grades, *etc.* Among the electors of the first and most important group, based wholly upon property, were included women, minors, soldiers in active service and some other classes of persons who, as a rule, were excluded from suffrage, on condition that their votes be cast through representatives.[3] Article 4 of the communal code now in force[4] provides, as regards women, that the wife living in matrimonial community exercises her electoral right through her husband; women who are independent (*sui juris*), through an agent; persons not *sui juris*, through their legal representatives. As the last clause of the above provision places no limitation upon the sex of the "persons not *sui juris*," female minors are included. On the other hand, as women separated from their husbands are not "wives living in matrimonial community," they enjoy the franchise, if they are of full age, upon the same terms as the unmarried women who are *sui juris*.[5] The ordinances of Bohemia and of

[1] In the same collection, 1838.

[2] *Cf.* for Brunswick the law of 1850, § 17; for Saxony the law of 1873, § 37.

[3] A legislative movement has begun for giving women the right to cast their communal votes in person. The diet of Lower Austria passed a bill of this character January 3, 1891.

[4] Uebereinstimmende Anordnungen der Gemeinde-Wahlordnungen, — organic laws of March 5, 1862, which have taken the place of the provisional communal law of March 17, 1849. Allgemeines Reichsgesetz- und Regierungsblatt für das Kaiserreich Oesterreich.

[5] In its earlier form (that of 1849) the communal law was more explicit upon this subject. It declared (sec. 30) that "widows and divorced and unmarried women vote by agents."

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Upper Austria are silent as regards married women. In Moravia the law gives even the married woman the right to representation by an agent of her own selection in case the husband is disqualified from voting (by deprival of civil rights, *etc.*). The Moravian rule is in this respect more liberal than that which obtains in Saxony; for the Saxon law expressly provides that in such cases the woman's electoral right is suspended.[1]

The suffrage granted to "capacities" appears to be confined to persons of the male sex. The question was raised in Moravia whether the vote granted, irrespective of property qualification, to the higher grade of instructors in the public schools appointed by decree ("alle mit Decret angestellte Lehrer der Volks- und Bürgerschulen") belonged to the female teachers. The Supreme Court (*Reichsgericht*) decided that the electoral right could not be considered as extending *ipso jure* to the female instructors and that these were excluded from the suffrage.[2]

In all the territories of Austria eligibility to the executive committees is expressly limited to men.[3]

In the municipal organization of the cities, which rests mainly on the communal laws of 1849 and 1862, the legislator has not seen fit to admit the principle of representation: hence women, minors, *etc.* are excluded from municipal suffrage in the cities.[4]

V. *Russia.*

(1) The Russian village community, the *mir*, which has come down across the centuries into our own time with very few changes in its primitive organization, is a typical example

[1] ". . . so ruht das Stimmrecht." Revidirte Landgemeindeordnung für das Königreich Sachsen, 1873, § 36.

[2] Decision of October 13, 1884; Dr. Anton Hye von Gluneck, Sammlung der Erkenntnisse des Reichsgerichts, VII, 304.

[3] Section 10 of the Bohemian law; section 9 of the ordinances for the other countries.

[4] Das Gemeindegesetz vom 5 März 1862; Manz'sche Gesetzausgabe (Wien, 1875), IX, 288.

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of rudimentary local self-government, where all who have an interest, not excepting the women, have a right to be heard in the common assemblies. The Russian legislator, who is certainly not loth to issue regulations, has been very moderate in his provisions regarding the *mir*. He has simply recognized established custom in declaring that

> the rural assembly is composed of the peasants who are heads of houses and who belong to the rural community, and of all the elected rural functionaries. It is not forbidden to the head of the house in case of absence or sickness or, in general, in case of inability to attend the assembly in person, to send in his place a member of his family.[1]

This right of representation is often exercised by widows and even by married women, especially in the poor provinces, where a considerable part of the male population is obliged to go to a distance in search of work. As representatives of families, of households, the women enjoy the same rights in the village assemblies as the men.[2]

In the assemblies of the *mir* only the peasants take part — only the persons who belong to "the peasant order." The other classes of the population exercise local self-government (the only kind of self-government which exists in Russia) by

[1] Code of Laws of the Russian Empire, vol. ii, art. 2191.

[2] "In matters affecting the general welfare of the commune they rarely speak, and if they do venture to enounce an opinion on such occasions they have little chance of commanding attention, for the Russian peasantry are as yet little imbued with the modern doctrines of female equality, and express their opinion of female intelligence by the homely adage: 'The hair is long, but the mind is short.' According to one proverb seven women have collectively but one soul, and according to a still more ungallant popular saying, women have no souls at all, but only a vapor. Woman therefore as a woman is not deserving of much consideration, but a particular woman as head of a household is entitled to speak on all questions directly affecting the household under her care. If for instance it be proposed to increase or diminish her household's share of the land and the burdens, she will be allowed to speak freely on the subject, and even indulge in a little personal invective against her male opponents. She thereby exposes herself, it is true, to uncomplimentary remarks; but any which she happens to receive she will probably repay with interest — referring perhaps with pertinent virulence to the domestic affairs of those who attack her. And when arguments and invectives fail, she is pretty sure to try the effect of pathetic appeal, supported by copious tears — a method of persuasion to which the Russian peasant is singularly insensible." — Sir Donald Mackenzie Wallace, Russia (London, 1887), p. 129.

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means of "territorial assemblies," composed of representatives of all classes. The members of these assemblies are elected in some cases directly, in other cases through the mediation of electors, by those who pay taxes upon real property (whether they are physical or juristic persons), grouped in electoral colleges according to their social class, and also by the rural peasant communities. Each district has its territorial assembly. Delegates from the district assemblies form the provincial assembly, which corresponds more or less to the French *conseil général* or the English county council. In the electoral colleges which choose the members of the territorial assemblies (or the electors who are to choose the members), women, married and unmarried, are permitted to vote through agents. They may select as proxies their fathers, husbands, stepsons, grandsons, brothers or nephews, even when these persons do not themselves possess the requisite property qualifications.[1] It will be remarked at once, that the married women are as free to select their representatives as are the unmarried women: they can pass over their husbands in favor of their fathers, nephews, *etc.* Then it should be noted that before 1890[2] a woman could choose as her representative any male person who had the right of voting in the electoral college.[3]

In the self-government of the cities also, which is exercised by councils elected by various classes of taxpayers, women have votes. They vote by representatives, whom they may select either from among the members of their families (fathers, husbands, sons, stepsons and brothers), in which case the representative is not held to show any property qualification of his own, or from among such outsiders as possess all the qualifications for the municipal electorate.[4] It is in this last point that the difference lies between a woman's delegation of her municipal vote and the transfer of her "territorial" suffrage. The distinction is due solely to the fact that the municipal organization is still regu-

[1] Statute of June 12, 1890, on the territorial institutions, arts. 18, 21.

[2] The charter of local self-government granted by Alexander II in 1864 was replaced by a new statute in 1890.

[3] Russian Code, vol. ii, art. 1834.

[4] *Ibid.* art. 1967.

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lated by the law of Alexander II (the law of 1870) which, like the same Emperor's "territorial" law, gave women full freedom in the choice of their proxies. This inequality will probably disappear when the revision of the organic laws of Alexander II, which has been under way for some time, is completed.

As elective local government in Russia begins with the lowest "order" in the state, the peasants, so it ends with the highest "order," the nobility. Since the reforms of Alexander II, the body of the nobility has been almost stripped of political importance. It is rather a corporation with interests of a private nature, such as the guardianship of noble persons and the assistance of orphans. The marshal of the nobility, elected in the general assembly of the order, presides *ex officio* over the territorial assembly and over various other administrative councils; and it is only through him that the nobility can make its influence legally felt in local government. The noble woman who owns real property carrying with it the right to take part in the elections of the order, can transfer her right to her husband, son or stepson, even when they do not possess the qualification required by the law. In case she has none of the relations mentioned or in case they are unable to act for her, she can delegate to an outsider either her full right or simply the right to vote in the elections without taking part in the deliberations and other decisions of the assembly.[1]

Except in the Austrian province of Moravia, we have hitherto in our study of the part played by women in local self-government encountered nothing like this public emancipation of married women. But in the great Slavic empire the position assigned to married women in local affairs is simply a consequence of their civil status. Married women enjoy there all the civil rights of the *feme sole* — to use the Anglo-Norman term. As the various elective bodies noticed above are deprived by the peculiar constitution of the empire of the Czars, if for no other reason, of anything resembling a political character, and have charge of economic interests only, the married woman,

[1] Code, vol. ix, arts. 111, 125.

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emancipated by the civil code, simply carries her civil status with her when she enters the domain of local self-government as a landowner and taxpayer.

Thus we see that in the Teutonic and in the Slavic world, where participation in local self-government does not depend upon citizenship, or membership in the body politic, but upon the possession of realty or, at least, upon the possession of a certain income, women are often, if not always, invested with local suffrage on this ground. In the Latin world, on the other hand, where communal right coincides nearly if not altogether with political citizenship, women are invariably excluded from any participation in the management of the common affairs. In Italy repeated attempts have indeed been made to secure for women "administrative suffrage," but they have come to nothing. Switzerland — a country which is at once Latin and Teutonic, and in whose Romanic and German cantons the two ideas of municipal organization which I have contrasted are well exemplified — confirms my general observation to a certain extent by the different attitudes of different cantons respecting the admission of women in local administration. While in Geneva and Vaud women were excluded from municipal affairs, the municipal law of the canton of Berne, December 6, 1852, conferred the right of proxy-voting upon independent women held to the payment of the communal tax (article 22). The Bernese women at first made no use of this right; but in 1885, urged on by the rival parties, they descended into the fray and arrayed themselves behind the combatants. In this instance the assumption that the women's votes represented only the economic interests of which they had charge proved false; their right to vote in municipal elections while they were still excluded from political elections consequently appeared incongruous; and after the election in which they had for the first time made use of their franchise, it was taken from them.[1]

[1] Professor Hilty, of the University of Berne, has had the kindness to furnish me with information regarding the abrogation of the law of 1852.

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VI. *The English Colonies.*

The non-European countries in which the question of the participation of women in local self-government has been raised are the English colonies and the United States of North America. In the English colonies the question has been decided in the same way as in the mother-country, *i.e.* independent women who are taxpayers have received the local franchise. As in England, the right to vote depends most frequently upon the possession or the occupation of real property, and the number of votes which may be cast by one voter is determined by the taxable value of the property.

(1) In the Dominion of Canada local suffrage has only recently been granted to women. The first law regulating this matter was passed in the province of Ontario (Upper Canada) in 1884. This law has served as an example, and in part also as a model, for the other provinces. The electoral rights granted to women by the legislation of the province of Ontario may be grouped under four heads: (*a*) participation in municipal elections, (*b*) participation in municipal *referenda*, (*c*) participation in school-board elections and (*d*) eligibility to office. All unmarried women and widows twenty-one years of age, subjects of her Majesty and paying municipal taxes on real property or income, may vote in municipal elections.[1] In those cases where by law the consent of the taxpayers is necessary in order to make of force the decision of the town council, all women may vote who have the qualifications mentioned above.[2] Further, every taxpayer who contributes to the maintenance of the public schools may vote at all elections for school trustees as well as at all meetings where school questions are decided.[3] Women, it seems, have since 1850 possessed the right to vote for school trustees. Finally, all taxpayers resident in the school district are recognized by the laws of 1885 and 1887[4] as eligible to the office of school trustee.[5]

[1] Revised Statutes of Ontario (1887), c. 184, part iii, title i, division 1, sec. 79.
[2] *Ibid.* sec. 308.
[3] *Ibid.* c. 225, sec. 14.
[4] 48 Vict. c. 49, sec. 107, and 50 Vict. c. 39, sec. 23.
[5] *Ibid.* secs. 13 and 106.

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In the other provinces of the Dominion the provisions as to the local suffrage of women are even more liberal.[1] In Nova Scotia the right to vote is granted also to married women whose husbands do not have the right to vote.[2] In British Columbia and Manitoba the suffrage is given to all married women of age.[3] Finally, in the Northwest Territory the municipal franchise is given to widows and unmarried women.[4] Female suffrage does not exist in the great French-speaking province of Quebec (Lower Canada), in New Brunswick or in Prince Edward Island.

(2) Australasia. In almost all the continental colonies the municipal suffrage rests upon the same basis as does the parish franchise of the mother-country, *i.e.* the possession or occupation of real property. The number of votes which may be cast by each voter also depends, as in the mother-country, upon the amount of taxes paid; and no distinction is made among the taxpayers as regards sex.[5] In New Zealand women have the right of voting in all local elections on the same conditions.[6] In Tasmania the suffrage was at first granted to men only; but an act of 1884 extended it in the rural districts to women, under the same conditions both as to property qualifications and as to plurality of votes as exist in the rest of Australasia.[7]

VII. *The United States.*

Here, up to the present time, the question of the municipal suffrage of women has received an entirely different answer. Despite a most spirited agitation women have not been able to

[1] For information as to the legislation of these provinces I am indebted to the kindness of Dr. J. G. Bourinot, Clerk of the House of Commons of Canada.

[2] Law of May 3, 1887; Statutes 1887, c. 28.

[3] Revised Statutes of British Columbia (1888), c. 88; Statutes 1889, c. 34; 1890, c. 34, secs. 12 and 13; Statutes of Manitoba 1887, c. 10 (law of June 10, 1887).

[4] Revised Ordinances of 1888, c. 8, secs. 18 and 19.

[5] New South Wales Municipal Law of 1867; Victoria Municipal Law of 1869, amended in 1875; Western Australian Municipal Law of 1871, amended (Statutes, ed. 1883); South Australian Municipal Law of 1880, *etc.*

[6] Municipal Corporations Act of 1886; Counties Act of same year, *etc.*

[7] Rural Municipalities Amendment Act of 1884, sec. 4.

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obtain the right to vote, much less the right of eligibility to office. They have, with difficulty, succeeded in getting the right to vote in municipal elections in a single state, *viz.* Kansas.[1] An act of 1887 grants to women in Kansas the right to vote in cities of the first, second and third classes at any election of city or school officers, or for the purpose of authorizing the issue of bonds for school purposes; and any woman qualified to vote is also made eligible to any such city or school office.[2] In other states it has been repeatedly proposed to extend the municipal franchise to women, but the proposition has uniformly been rejected. This result is doubtless due to the fact that almost everywhere in the Union municipal suffrage is independent of property qualifications. The proposal to extend it to women is thus presented under the same conditions as the proposal to grant them the political franchise, and arouses the same resistance.[3] But several states, while refusing to grant to women general suffrage either in the sphere of local self-government or in that of state government, have admitted women to a special domain administered by elective assemblies, *viz.* to that of the primary public schools. The electors, or those who contribute to the maintenance of the schools, elect annually the members of the school committees and the superintendent for the county, and vote the expenses and the taxes or loans necessary to defray them. Several states have granted to women simply the right of being elected to school offices, provided always that they possess the qualifications prescribed for men. The question is thus decided in California, Illinois, Indiana, Iowa, Louisiana, Maine, Pennsylvania and Rhode

[1] Exception is of course made of the state of Wyoming, where women have obtained the municipal franchise as one of the consequences of their political enfranchisement. Law of Dec. 13, 1879, sec. 20; Constitution (1889), art. i, sec. 3; art. vi, sec. 1.

[2] Session Laws of 1887, c. 230 (law of Feb. 15, 1887).

[3] *Cf.* the discussion of the female suffrage bill in the Massachusetts legislature in 1877. While the members of the committee to which the bill was referred differed in many respects, they were unanimous in declaring that if the suffrage were dependent on property qualifications, there would have been no difficulty in extending it to women. Appleton's Cyclopædia, 1878, p. 525.

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Island.[1] Massachusetts adopted at first the same line of policy, declaring that no person should be considered as ineligible to the school board by reason of sex;[2] but later this state granted to women the right to vote for members of these boards.[3] Some of the other states have proceeded in the same manner. At the present time the system of granting to women both rights — eligibility and suffrage — in school matters has been adopted in the following states besides Massachusetts: Colorado, North and South Dakota, Idaho, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, Oregon, Vermont, Washington and Wisconsin and the territory of Arizona.[4] Of course to this list must be added Wyoming, where women vote at all elections, and Kansas, where they possess complete local suffrage.

Finally, Kentucky and Nebraska admit women only to the

[1] Political Code of California, sec. 1593, par. 1, as amended April 7, 1880 (Statutes 1880, c. 80, sec. 14); Revised Statutes of Illinois (1874), c. 122, secs. 98, 99 (law of April 3, 1873); Revised Statutes of Indiana (1881), sec. 4540 (law of April 14, 1881); Acts of Iowa, 1876, c. 136, sec. 1 (law of March 17, 1876); Constitution of Louisiana (1879), art. 232; Revised Statutes of Maine (1883), title ii, c. 11, sec. 18 (law of Feb. 26, 1881); Constitution of Pennsylvania (1873), art. x, sec. 3; Constitution of Rhode Island, art. ix, sec. 1, and Public Statutes (1882), c. 50, sec. 4.

[2] Public Statutes of Massachusetts (1882), c. 44, sec. 21 (law of June 30, 1874).

[3] *Ibid.* c. 6, sec. 3 (laws of April 16, 1879, and April 9, 1881). *Cf.* also Acts 1884, c. 298, sec. 4; 1887, c. 249, sec. 1; 1888, c. 436, secs. 4, 10.

[4] General Statutes of Colorado (1883), c. 97, sec. 45, and Constitution (1876), art. vii, sec. 1; Constitution of North Dakota (1889), art. v, sec. 128; Constitution of South Dakota (1889), art. vii, sec. 9; Constitution of Idaho, art. vi, sec. 2, and Idaho Elections Law of Feb. 25, 1891, sec. 2; Public Acts of Michigan, 1881, No. 158 and No. 164, c. 2, sec. 17, c. 3, sec. 4 (Howell's General Statutes, 1882, secs. 781, 782, 5049. Women may not vote in city school elections; Mudge *vs.* Stebbins, 59 Mich. 165); Minnesota Laws, 1876, c. 14, sec. 1, and 1885, c. 204 (Kelly's General Statutes, 1891, sec. 3302. Constitutionality upheld in State *vs.* Gorton, 33 Minn. 345); Law of the territory of Montana, March 8, 1883, and Constitution of the state of Montana (1889), art. ix, sec. 10; General Laws of New Hampshire (1878), c. 87, sec. 6, and c. 89, sec. 1; New Jersey Public Instruction Act (Revision) March 27, 1874, sec. 31, and Public Laws of 1887, c. 116; New York Laws, 1880, c. 9, sec. 1, and Public Instruction Law as amended June 15, 1886, Laws 1886, c. 655 (Throop's Revised Statutes, 1889, pp. 1288, 1329); Oregon Laws of Oct. 18, 1878, sec. 8, and Oct. 26, 1882, sec. 13 (Miscell. Laws, 1887, secs. 2609, 2637); Revised Laws of Vermont, secs. 524, 2659; Constitution of Washington, art. vi, sec. 2, and School Law of March 27, 1890, secs. 58, 78; Revised Statutes of Wisconsin (1878), c. 27, sec. 513, and Laws 1885, c. 211 (submitted to popular vote and carried November, 1886); Revised Statutes of Arizona (1887), sec. 1527.

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school franchise, and that only under special conditions.[1] As a general rule the right to vote in school elections or to participate in the school-district meetings depends not only upon conditions of age and residence, but also upon the obligation to pay taxes or the possession of the political franchise. The Nebraska law grants the vote to taxpayers, male and female, but also to all parents who have children of school age residing in the district. The Kentucky law grants the right to vote in all school matters without any property qualification to all widows having children between the ages of six and twenty years; widows without children and spinsters, who are absolutely denied the right to vote at elections for school trustees, are, if taxpayers, allowed to vote upon the imposition of taxes for the maintenance of the schools.

VIII. *Delegation of the Property Qualification.*

If a woman cannot vote in person or by proxy, can she, in those countries where a property qualification exists, communicate to another a property qualification necessary to vote? Can she thus make or contribute to the making of an elector?

In Italy this right exists both in elections for the legislature and in the case of communal and provincial elections. In the first, a woman may provide the entire qualification for a man; in the other two, a widow or independent woman may complete the property qualification of her son or son-in-law whom she shall designate.[2] Outside of Italy there are two countries which admit of this transfer of a property qualification in local elections. These are Belgium and Roumania. In the case of the provincial and communal elections in Belgium a widow who possesses the necessary qualification may delegate it to that one of her sons or, in default of sons, to that one of her sons-in-law whom she shall appoint.[3] In Roumania a widow or single woman of age may thus

[1] Common School Law of Kentucky, May 12, 1884, art. 3, sec. 2, art. 8, sec. 1 (Bullit and Feland, General Statutes, 1887, c. 96a); Compiled Statutes of Nebraska (Brown and Wheeler, 1889), c. 79, subdiv. 2, sec. 4, as amended by Laws 1883, c. 72, and 1889, c. 78.

[2] Communes Law, art. 21.

[3] Code Électoral of May 18, 1872, art. 11.

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cause her son, son-in-law, father or brother to profit by the taxes paid by her and procure for one of them the communal franchise.[1] Such is the influence, very indirect indeed, offered to women by means of the power to transfer a property qualification — the lowest step in the exercise of electoral rights.

It will be seen from this study that in the domain of local self-government women are admitted to the franchise in England, including her colonies; in Sweden, Iceland, Finland and Russia; and in two states of the American Union, *viz.* Wyoming and Kansas. In Austria, Prussia, Saxony and Brunswick they vote in the rural communes only. Further, women have the franchise in school elections in Norway and in fifteen states of the great American republic. Eligibility to office is granted them only in school administrations (in England, Norway, in the Swedish capital and in more than half of the states of the American Union), in the poor-law administration (in England, Sweden and Finland), and, as regards municipal offices generally, in Wyoming and Kansas. In Russia (except in the case of the village assemblies), in Austria and in Prussia female electors may vote only by proxy, but everywhere else they have the right to vote in person.

Both in its origin and in its nature female suffrage in local self-government, in most countries where it exists, is anything but the recognition in women of individual rights. First realized under the amorphous conditions of the village community, admitted later in most cases as a sanction of the civil status of women, this franchise appears to be simply the expression of concrete economic interests behind which human personality, as such, disappears; and in this sense it is independent of modern public law and democratic principles.[2]

M. OSTROGORSKI.

PARIS, October, 1891.

[1] Communal law of April 5, 1874, sec. 22.

[2] For a full survey of the question of women's rights from the standpoint of comparative history and legislation, see the writer's forthcoming volume, to be published by Arthur Rousseau, Paris.

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LINCOLN AND SEWARD AND THEIR LATEST BIOGRAPHERS.[1]

ONE of the first duties which a nation owes to the memory of a deceased great statesman is the publication of his complete political writings and speeches. There ought to be a national law — or better, a national sentiment — that would work as surely as does the sentiment compelling special legislation in behalf of the family of a deceased general. It is almost a truism that no statesman can write an objective account of his own life and public services. Is it not likewise true that very few critical and satisfactory lives of statesmen have been written by their secretaries and intimates? Such writers have special advantage in materials, and are thereby tempted to use them in reproducing the man as he appeared to them in life, colored by their prejudice and affection. They rarely recognize the importance of telling the whole truth. A statesman's literary record is his best monument; and its early publication in full would forestall alike malice and extravagant praise. The correctness of these reflections seems to find new illustration in the recent voluminous biographies of Lincoln and Seward by authors who stood in relations of peculiar intimacy with their respective subjects.

I.

Messrs. Nicolay and Hay, as is well known, were President Lincoln's private secretaries; their associations with him began more than thirty years ago, and almost at the beginning they

[1] Abraham Lincoln: A History. By John G. Nicolay and John Hay. New York, The Century Co., 1890. — 10 vols., 8vo, xiv–xxiii, 447–496 pp.

William H. Seward: An Autobiography, from 1801 to 1834; with a Memoir of his Life and Selections from his Correspondence, 1831–1846, by Frederick W. Seward. Seward at Washington, as Senator and Secretary of State. Two volumes, 1846–1861, 1861–1872. A Memoir of his Life, with Selections from his Letters. By Frederick W. Seward. Together, three volumes. New York, Derby & Miller. — Royal 8vo, 832, 650, 561 pp.

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conceived the idea of writing his life. Their relations with him were unusually intimate, even for private secretaries. Their feelings toward him were those of absolute devotion and affection, manifested to a degree even more than filial. Each kept a diary of daily events important to their literary task; all of Lincoln's correspondence and manuscripts went through their hands; and since his death almost everything of importance relating to Lincoln personally has been at their disposal. Besides all this, they own either the originals or copies of the chief papers from the diplomatic archives of the Confederacy. To these remarkable advantages they have added over twenty years of literary labor, which began with unusual intelligence and native ability, and which was prosecuted with a fidelity as sacred as it was constant. The result is a monumental work in ten octavo volumes, which — although it is open to severe criticism in certain respects — must be regarded as the most valuable contribution to United States history that has been made for many years. In fact, I do not recall any previous American history or biography that has brought out so much new and important material.

But it is when we come to look for the accepted prerequisites and the distinguishing marks of good histories and careful biographies, that criticism must begin. Our authors call their work a "history" — by which we suppose they mean to convey an impression such as one receives from the words "life and times." The word can hardly mean less. Even to this exception may be taken, because the "times" (*i.e.* all the more important men and events of the period covered by the "life") are not presented with sufficient fulness. Would it not be fairly accurate to call a narrative woven about the events in the life of an individual a biography, and one whose central theme is a party or a state or a nation, a history? If so, the title *A History* hardly finds warrant in their work, except perhaps in the narration of military events. Macaulay — with wit more keen than just — has described a biographer as "a literary vassal, bound by the immemorial law of his tenure to render homage, aids, reliefs and all other customary services to his lord."

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Messrs. Nicolay and Hay have not consciously written a single sentence in literary vassalage, but the chief purpose, whether conscious or not, of a very large part of their work is to bring out Lincoln's merits in bolder relief. There are many chapters which, considered by themselves, are distinct contributions to a real history, but the biographical spirit practically pervades the whole.

The material was so vast and valuable that it very seriously affected the authors' duties toward the narrative. Again and again long quotations have been introduced when much shorter ones would have brought out the point more plainly. Hence the suspicion is frequently forced upon one that the authors are making the display of their rich materials one of the objects of their labors. This cheapens the literary quality and emphasizes the lack of a thoroughly philosophical treatment. Speeches and documents are too often quoted merely as expressions of the individuals from whom they immediately emanated. Lincoln himself often spoke in parables and condensed into a few sentences the political theories or philosophy of years. But his biographers do not possess this rare gift. Often they merely see the overt act, hear the spoken word and consider the flaring despatch. In matters not relating especially to Lincoln they cease to be objective and are frequently superficial. Hence, in their eyes, all Confederates are scheming rebels without a good impulse or a redeeming quality. Likewise, John Brown is to them only so much anti-slavery madness. With commendable but superfluous frankness they confess that he and his movements "both remain somewhat enigmatical."[1] Did he differ from Wendell Phillips, except as a prophet of the Old Testament differs from one of the New? It is not strange that he was an enigma in 1859 to all save a few; but Emerson's dictum in 1860 that "all people, in proportion to their sensibility and self-respect, sympathize with him,"[2] was shown to be no great exaggeration a few years later, when John Brown's ideas became realized in the conduct of the war.

[1] Vol. ii, p. 190.

[2] 11 Works, 262.

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This failing of the authors leads to other defects. There is very little fusion and logical sequence in this long work. Lincoln owed his position as a popular hero to the education given by the radical Abolitionists to the people. Yet our authors tell us so little about the great moral movement against slavery, that a foreigner might easily infer that it originated with the Lincoln-Stone protest in the Illinois legislature in 1837, and was brought to an issue by the Lincoln-Douglas debates in 1858. But this would be as erroneous as to call the Ohio River the source of the Mississippi. Garrison is referred to but once and Wendell Phillips only three times; and two of these references are to events subsequent to the outbreak of the war. The various efforts to find a ground for compromise in the winter of 1860–61 are treated in several different chapters. To appear to preserve a sequence the authors have frequently felt compelled to resort to repetition.

Although the claim of the authors in their preface that "there is not a line in all these volumes dictated by malice or unfairness," is fully conceded, yet there is not a chapter which might not have been written in 1865, in the heat of the conflict, when the relations which they bore to the President influenced all their judgments. Any one familiar with the political literature of the war will at once recognize the war-time flavor. That, indeed, may contribute to the popularity of the work; but to the student and historian it is a decided blemish.

In no respect does this war-time spirit show itself so plainly as in the authors' method of treating the great men who surrounded Lincoln. The affection of Messrs. Nicolay and Hay for Lincoln is so great and their devotion so blind, that they instinctively resent the approach of a possible rival as if he were a positive enemy. Frémont, Chase, Seward and others at different times crossed Lincoln's path. His biographers seem to fear lest there might be too many great men in the period of the Civil War. In every instance they have straightway proceeded to reduce the presumptuous intruder to seeming mediocrity, or by giving undue prominence to personal weaknesses or occasional blunders, have portrayed him as if

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he were an object of suspicion, pity or contempt. In some instances, as in the case of Secretary Chase, this is done with such persistence as to savor strongly of brutality. Even after they have damaged Chase's good fame — if their narrative is to be accepted — they seem unwilling to spare him. One is at a loss to understand their motive in returning to enlarge upon his offences, until it finally appears that it is to present more dramatically Lincoln's great magnanimity in appointing him to the highest judicial office in the land.

Not content with Lincoln's really great political stature, the authors seek to make it more imposing by claiming for him the chief merit for some of the acts of the members of his cabinet. Seward was probably the most conspicuous of these. Unfortunately, he at first presumed too much upon Lincoln's inexperience, and proposed the adoption of a foreign policy which would have led to speedy disaster. Lincoln saw this, and tactfully overruled the Secretary of State. Subsequently, when the definite foreign policy of the United States was about to be officially formulated, Seward submitted to Lincoln the first draft of a despatch incorporating his ideas. This Lincoln corrected and altered. Of these two facts the authors, like all Seward's depreciators, have made much. Had they been entirely impartial, they might have remembered that Lincoln's inaugural address was changed by Seward quite as much as this foreign despatch by Lincoln — yet the former had long been under consideration, while the latter was a hasty first draft, born of recent events; that Lincoln accepted very important suggestions from Seward in regard to the preliminary proclamation of emancipation; that the paper called "Some Thoughts for the President's Consideration" was no more conspicuous a failure than Lincoln's colonization schemes. Apparently for no better reason than is shown in these few instances, Seward is relegated to an honorable second place in diplomacy, and the chapters on foreign affairs proceed on the assumption that the leading ideas governing our diplomatic policy emanated from the President; yet the nineteen volumes of diplomatic correspondence during Seward's secretaryship do

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not contain a dozen sentences which any one would suspect of having been written by Lincoln. Had our authors carefully traced out the separate steps in our relations with France in connection with the invasion of Mexico, they could not have failed to see that this whole chapter of diplomacy was as exclusively and characteristically Seward's as either of Lincoln's inaugural addresses was Lincoln's.

It is a very remarkable oversight, furthermore, that not one of the members of Lincoln's cabinet has received a full or careful character-sketch. All merited such a study; the reader had a right to expect it; and judicious use of the space would have left ample room in these ten volumes to describe the acts, personal traits and executive qualities of every one of Lincoln's chief advisers. To have omitted this is plainly an injustice to these men, or an indirect confession that they were not of sufficient importance to have justified Lincoln in selecting them in preference to many others. No one unacquainted with the great political leaders of the war, will gather from these ten volumes a clear conception of the ability and character of any man who was intimately associated with Lincoln. True, the authors repeatedly recognize strong qualities in some of the members of the cabinet, but in almost every case several times as much space is employed in showing wherein these members fell short of true greatness.

These criticisms relate to the spirit and method of the authors, and to specific features of the work, rather than to its character as a whole. In chapters where the narrative does not touch personalities or involve war prejudices, it occasionally attains an excellence of the first order.

II.

The author of the three-volume life of William H. Seward is his son. Mr. Frederick W. Seward, as editorial writer on the *Albany Evening Journal* during the decade previous to his father's secretaryship, was very familiar with all his political acts. When his father took charge of the Department of State,

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he himself was called to Washington to the important position of Assistant Secretary of State. During the eight succeeding years he was constantly at his father's side, except when acting as secretary in his stead. Consequently he had intimate personal knowledge of all the diplomatic questions of the time. All his father's papers were long ago placed in his hands, and much of his time during the past twenty years, except the interval of his return to his former position in the department under Secretary Evarts, has been devoted to this filial labor.

The first volume of this work originally appeared in 1877. A part of it contained the autobiography of William H. Seward, narrating the events of his life down to the time of his first nomination for governor in 1834. The life proper began with the year 1831. As this volume has been republished, no distinction need be made between it and the two new ones.

The author shows much modesty and good taste in the execution of his work. He particularly disclaims any intention of doing more than "to complete the story" of his father's life; and he calls his work *A Memoir of his Life, with Selections from his Letters.* As all of the statesman's important speeches and diplomatic papers had been printed, the author doubtless — and wisely, it would seem — considered it desirable that to these should be added his private letters — letters showing his thoughts and acts from day to day, in political prosperity and adversity, when enraged Southerners tried to humiliate him, when admiring partisans sought to nominate him for the highest office, when liberal Europeans applauded him and conservative Americans hated him, when he was denounced as a traitor to the North, and when fêted in foreign lands. Hence the author's aim seems to have been to keep his own personality out of view as much as possible, and from the main facts of the political history to prepare such a background as would best bring out the proper meaning of his father's private writings and those of one or two others whose letters related to Seward's political life. Some chapters are made up entirely of quotations, with the merest thread of connection. At times, however, the narrative widens out so as to show the full

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streams of state and national politics. As if doubting his own impartiality, Mr. Frederick W. Seward has not ventured to criticise others with severity or to defend his father against unjust criticism; nor has he even undertaken to interpret to the reader the statesman's political career. His task is to let the great Secretary of State be seen by posterity as he made himself known to his own family and most intimate friends. While we admire the quiet spirit with which this has been accomplished, we can hardly forgive the author for passing by without comment so many important events on which he was better able to throw light than any one else ever can be.

As Seward's correspondence and journals make up the most important feature of the work, the question of its value depends upon their character. Domestic affairs and ill-health made it inconvenient for Mrs. Seward to be away from Auburn much of the time. When Seward was separated from her he made it a rule to write to her very frequently, and generally about the political questions uppermost in his mind. When on a journey — and he visited some distant point of interest almost every year — he usually kept a careful journal. For over forty years, except during his two terms at Albany as senator and governor, respectively, he was almost constantly in correspondence with Thurlow Weed. A very large portion of this material is put before the public in these volumes, apparently without withholding anything important to a full understanding of Seward's character, or concealing his impressions of the men and events about him. Who that has studied the critical periods of 1850–54 and 1860–61 has not wondered what thoughts were coursing through Seward's mind from day to day? To know, one need now only turn to the chapters covering those times. In addition to his letters to his family and to Weed, there are many occasional letters to different persons, and also about seventy-five from Thurlow Weed, written during his special mission to Great Britain and France in the winter of 1861–62, and showing many interesting and important phases of our relations with these countries at a time when they were on the verge of intervening in behalf of the South.

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The least satisfactory part of the work is that covering the period of Reconstruction during the second term of Seward's secretaryship. Mrs. Seward died in 1865; circumstances no longer called for such frequent letters to Weed; and with the exception of the French occupation of Mexico, the Department of State had few questions of importance to deal with. Still we should like to have been informed either by the secretary himself or by his biographer as to what Seward thought of each of the important steps along the path of Congressional Reconstruction. Sufficient quotations are made to show that his preferences and sympathies were generally on the side of the President; but we expected, from the minuteness of former parts of the work, to learn just how much Seward had to do with President Johnson's position.

III.

In spite of the very different methods of the respective biographers, the outlines of the two great statesmen become clear to the careful reader. The shortcomings of Messrs. Nicolay and Hay do not affect their very sympathetic and generally just interpretation of the noble life whose study, after all, has been their main task. Mr. Seward's plan rendered an interpretation of his father's life unnecessary. The future fame of both Lincoln and Seward will finally have to rest, not upon the estimates of hero-worshippers or of unsympathetic or careless critics, but upon the spoken and written words of the men themselves. These three volumes of Seward's biography, and the five volumes of his works published in final shape a few years ago, may fairly be called his complete works. It is understood that Messrs. Nicolay and Hay have in preparation a complete edition of Lincoln's writings and speeches. This will put two of the great statesmen of the period of the Civil War on a height where all the world can view them but none can do them harm.

During the past twenty years much injury has been done to the fame of both Lincoln and Seward through unfortunate com-

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parisons made by friends in whom admiration for the one has been out of all proportion to knowledge or appreciation of the other. Can there be any ground on which justly to determine the relative greatness of two lives which differed so widely in nearly all their circumstances? Who shall say whether it required more or less courage and greatness to proclaim the "higher law" than it did to proclaim emancipation? Who is competent to decide between the ability displayed in keeping at bay the radicals and "copperheads" at home, and that shown in preventing intervention on the part of England and France? Is it not especially "odious" to make disparaging comparisons between two men of great political fame who, in the whole course of their public lives, never held offices of the same grade? What country has had too many great men? Should not the future historian study the lives of Lincoln and Seward in the light which each throws upon the other?

The careers of these two men were crowded with strange contrasts; but they show coincidences still stranger. Lincoln was the son of a thriftless, "poor-white" pioneer. Seward's father was a wealthy physician and merchant. In education Seward received the full benefit of his father's condition, and the advantages of instruction in one of the best of Eastern colleges. Lincoln supplemented his ludicrously meagre "schooling" with a few borrowed books. The first evidence of marked individuality in each youth was a visit to the South. Seward ran away to obtain freedom from his too tyrannical father, while Lincoln went to elude the pursuit of his too tyrannical poverty. Although one was a cultured teacher in Georgia and the other an ungainly flatboatman in New Orleans, and although there was about a decade between the periods of their visits, these representatives of widely contrasted conditions in life found common ground on Southern soil, where each in turn was impressed by the sinfulness of slavery. The extremes met, but they immediately separated. Seward returned to receive his college diploma and to pursue his legal studies under the most favorable circumstances in New York City; Lincoln came back to find poverty still his master, while he split rails and labored as a "hired man," and tried at odd

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moments to acquire the elements of surveying and of the law. At about the age that the one began legal practice, the other led out a company of militia to fight the Indians. But soon each became interested in politics; and, after a few preliminary failures, Lincoln was elected state representative in Illinois at the age of twenty-five, and Seward state senator in New York at the age of twenty-nine. In a few years each returned to the profession of the law. At the common age of thirty-seven one was elected a representative in Congress, and the other chosen governor of New York.

Soon each for the first time took position against slavery in the field of national politics — Lincoln for the Wilmot Proviso, and Seward against surrendering a slave on the requisition of the governor of Virginia. Seward rapidly grew to be a man of great influence in his party, while Lincoln seemed unambitious and willing to abandon both active politics and his profession. In 1849 Seward was chosen United States senator, and, united with Hale and Chase, he soon began against great odds the fight for radical opposition to slavery. Lincoln, unconscious of the future, was a lawyer of only local repute, without special interest in politics. When Seward was leading the attack upon the pro-slavery party and giving utterance to his doctrine of 1854, that the slavery agitation was "an eternal struggle between conservatism and progress; between truth and error; between right and wrong,"[1] Lincoln's interest in politics was reawakened by the repeal of the Missouri Compromise. Soon he became the leader in Illinois of the new Republican party. Then he began to shape his arguments against the dogmas of Douglas, the great sophist of popular sovereignty, and in 1858 met him with the bold declaration: "A house divided against itself cannot stand. I believe this country cannot endure half slave and half free." Seward further condensed the sentiment into two words — "irrepressible conflict." That made up the issue.

Lincoln and Seward met as rival candidates for the Republican Presidential nomination in 1860. Political prudence and

[1] Seward, III, 221.

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the greatest embodiment of political imprudence, Horace Greeley, united to defeat Seward. Seward repressed his grief, but studied the political situation in Congress. Lincoln rejoiced quietly, and prepared for the fourth of March. When finally they met in Washington, they were of one opinion on national politics, except that perhaps Seward was more hopeful, and Lincoln more courageous, but less cautious. Still, it was several months before the two great men, so essentially different in characters and careers, met in final union of thought and sympathy. Then Seward — the man of wide culture in books, in travels, in statesmanship, and of broad experience in the ablest school of practical politics in the United States — "renounced all ambition" and devoted the whole of his vast energy to what he considered the welfare of the country, to be secured by the success of Lincoln's administration. Then, too, Lincoln — the unpolished Westerner, of very limited experience, but of keen perception and unerring logic — without relinquishing an iota of his prerogatives, took the Secretary of State into his confidence, as if he had been his elder brother. They worked in perfect harmony. Seward's despatches were commonly taken to the President for discussion and revision. Lincoln wanted Seward with him on all important occasions, and it was in the Secretary of State that he most fully confided.

Yet the personal traits of neither seemed to change. James Parton has wisely observed: "Nine-tenths of a President's fitness is judgment. It is the supreme faculty of the human mind." Lincoln early showed a superior kind of judgment, nearly approaching intuition; he was almost never hasty; and he seemed to be able to weigh exactly the meaning either of success or of failure. Seward's mind was more speculative. His thorough training in politics had given him a polished shrewdness, both of action and expression, that was especially suited to diplomacy. Seward himself said that his resources were largely drawn from history, and that his chief solace was derived from "almost unremitting studies of political principles and international law."[1] He made the past his servant. Lin-

[1] Seward, III, 137, 144.

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coln's mind, on the other hand, dealt largely with the present; from friends and foes alike he gathered wisdom, and his strong, accurate judgment condensed it into the most effective form.

These intellectual characteristics had counterparts in the way each managed men. Lincoln was always ready to meet friend or foe face to face, and to answer any question. His frankness and courage were generally accepted as the best evidences of superiority. The plain people felt that he was their natural leader, because he was just like themselves, except that he possessed only their best qualities. Most of the educated yielded to him, because honesty and sincerity command without creating suspicion. Otherwise Stanton could never have truly said: "There lies the most perfect ruler of men the world has ever seen." Seward was by nature more of a philosophical cast. From the time of his earliest political experiences he had generally written the party addresses, formulated the platforms and led the intellectual part of the campaigns, but "practical politics," even in his own personal interest, had always been left to his devoted lieutenant, Thurlow Weed. It was Seward's thought that attracted men. He was the ideal of those who were anxious to be thoughtful rather than practical in politics. He ruled few or none, but he fascinated millions.

However, during the war both Lincoln and Seward were intensely practical in carrying out their plans. The radical Abolitionists seemed to think that the chief aim of the administration should be to formulate and apply anti-slavery theories. Lincoln was bitterly attacked for his apparent indifference. In his replies to those who before the Emancipation Proclamation assailed him for not freeing the slaves, he showed what Greeley called his great ability in pointing an argument to popular comprehension, and he continued to "view this matter [of abolition] as a practical war measure." Seward likewise was indifferent to the reproaches hurled at him on account of his refusal to proclaim to Europe that the war had any aims except the preservation of the Union; for he believed that to do so would cause many in the border states to enlist in behalf of the Confederacy — which in turn would

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react against us abroad. But as soon as this danger seemed to Seward to have disappeared, he proclaimed in our foreign affairs, with as much energy as Lincoln did in our domestic, that slavery should cease.

The war was equally distasteful to Lincoln and to Seward. As it was plainly nearing its close each decided upon a liberal policy toward the South, in the spirit of the President's noble phrase: "With malice toward none, with charity for all." Lincoln died before the real work of Reconstruction began. But Seward, although wearied by the years of constant labor and excitement, remained "to calm the passions, and conciliate the contestants."[1] Many years before he had said: "My stomach for war ends with the capitulation of the enemy."[2] Now he welcomed back his old political enemies of the South, extended to them generous personal hospitality, and hoped to assist in making it possible for them to compensate their country for the damage they had done. But such ideas soon came to be considered treasonable by a large majority in Congress and in the Republican party at large. Still Seward held to his high aims, remained loyal to the President, drove the French out of Mexico, purchased Alaska and endeavored to obtain St. Thomas. But the black clouds which rolled between the Capitol and the White House seemed to conceal from popular view the charitable spirit of his statesmanship.

The act of a mad assassin gave to Lincoln the peculiar glory of martyrdom, and helped to place the story of his life in almost every civilized household. Seward filled the measure of a long life with devoted service, made a tour of the globe, then calmly gave to his family and his countrymen alike his last message, "Only love one another," and was no more. The two lives ended under circumstances as different as those under which they began. Yet the service of each was so great, and each so nobly supplemented the other, that it will never be necessary to depreciate the one in order to do justice to the other.

FREDERIC BANCROFT.

[1] Seward, III, 331. [2] *Ibid.* I, 344.

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REVIEWS.

The American Revolution. By JOHN FISKE. Two volumes. Boston and New York, Houghton, Mifflin & Co., 1891. — 344, 305 pp.

In these volumes Mr. Fiske, the well-known writer and lecturer, has told again the story of the American Revolution. They form part of a larger work in which the author proposes to relate in easy and popular narrative the entire history of the United States. If one may judge by these and other volumes already issued, it is the plan of Mr. Fiske to write a political and military history of the country, rather than a history of its people. In the present volume his chief object seems to have been to trace the succession of military events which followed the skirmish at Lexington, and to show how by their efforts in the field the Americans secured independence. Only a little more than one hundred pages are devoted to the causes of the revolution and the events which occurred between the passage of the Stamp Act and the outbreak of hostilities. The book closes with the surrender of Yorktown, reserving the peace negotiations for separate treatment. But little attention is paid to the proceedings of Congress, to the negotiations by which foreign aid was obtained, to the political ideas that were uppermost in the minds of patriots and loyalists, to the methods of administration which the general government and the commonwealths pursued in military affairs and finance. By leaving Europe for the most part out of sight Mr. Fiske has rid himself of much useless material which cumbers the pages of Bancroft; but by following this method he has secured clearness and simplicity of treatment at the expense of thoroughness. He has given the reader an admirable account of events in the field; he has traced in a way most complimentary to the commander the development of Washington's military policy; he has taken special pains to do justice to Arnold; Greene and Cornwallis also come in for their share of praise, while Gates receives the severest condemnation. All this is done with the clearness and force of style which the readers of Mr. Fiske have learned always to expect, though in these volumes an occasional crudity of expression and needless innuendo show that the proofs were not so carefully revised as they should have been.

But, as already hinted, to the critic who seeks really to understand the period in question the shortcomings of this book will be very evident. As treated here the colonial revolt seems to be an isolated

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American event, having no clear connection with the general course of the world's history. To be sure the time-worn statements about the beneficent effects which it had by way of reaction upon English politics are here repeated, but really they will not stand examination. What Mr. Fiske may hold in reserve for future volumes we do not know, but it is true that in this instalment of his work he has made no effort to describe the constitution of the English colonial empire, or the course of policy which the statesmen guiding its development had followed previous to the outbreak of the conflict. That empire, as a political organism which had been in existence for nearly two centuries and had grown to vast dimensions, certainly had a claim to continued life. How then is it possible for an historian to do justice to the American Revolution, — a revolt which destroyed the unity of this empire and involved great constitutional changes, — without making the reader understand what was the character of the political structure thus assailed? We learn nothing in this work of the efforts which the home government had long made to establish a tolerable administrative system here, or of the opposition with which it had met. The objects aimed at by the English ministries are not supposed to have been even relatively justifiable. Suppose an historian should adopt Mr. Fiske's method in treating of the fall of the Roman empire or of the Protestant revolt against the papacy in the sixteenth century, would the result be satisfactory? He would produce a thoroughly partisan, and therefore inadequate, account of the events involved. He would leave the world as ignorant of the real views and aims of Marcus Aurelius and Diocletian, of Charles V and Paul IV, as it was before he took the pen in hand. The colonial revolt, like every other similar movement, involved questions both of right and of fact. The former are quite as important to the historian as the latter; for it is only through the adequate treatment of these that justice can be done to the institutions attacked. Mr. Fiske says that the American principle of no taxation without representation was sound and just. But how was it possible for the English aristocracy to admit that? It was to them a thoroughly revolutionary doctrine. He also says that the British government should have frankly and cordially admitted the soundness of the American position, that "the right of levying taxes in America resided only in the colonial legislatures, in which alone could American freemen be adequately represented." But that was inconsistent with the just claims of the home government under the charter, if not with the very conception of a colony. Those, too, who claimed that the granting of such a demand would imperil the empire had great show of reason on their side. It was a point to be decided, not to be granted at the outset. Through a long course of development toward independence a crisis had been reached in the relations between the

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colonies and the mother country from which there was no issue except through war, and when the gauntlet was thrown down by Massachusetts the King was bound by the most sacred obligations to suppress the revolt if possible. Two political societies of quite different type were thus brought into conflict, and to the reviewer it seems clear that the historian is bound to do justice to the character and aims of both. In this the most important part of his task, Mr. Fiske has succeeded no better than his predecessors. In some respects he is even more strongly partisan than they. I do not remember that any of the earlier historians have actually compared the Boston Port Act and the legislation accompanying it to the decrees of an Artaxerxes or an Abderrahman. The truth is, until American historians cease the attempt to defend a dogma, and begin in earnest the effort to understand the aristocratic society which existed in England and the democracy which was maturing here, and the causes of conflict between the two, we shall not have a satisfactory history either of the colonial period or of the revolution. The Englishman too who carries his party prejudices into the work will reach no better results.

The opinion may also be expressed that by narrowing the field of vision Mr. Fiske, in estimating the causes of colonial success, has failed to give proper weight to the influence of the continental alliance against England. Had it not been for that, her superiority on the ocean would have been far greater than it actually was. So great was our demoralization that without such aid success was scarcely possible. Then in regard to the planning of the Yorktown campaign Mr. Fiske claims for Washington more than that commander claimed for himself. Washington admits in his diary that he was forced by the plans and desires of the French, as well as by other causes, "to give up all ideas of attacking New York," and instead to move as much of his army as could be spared toward the South. That seems to be in harmony with the history of the events as it is revealed in the published correspondence of Rochambeau.

H. L. Osgood.

The English Constitution. By Emil Boutmy. Translated by Isabel M. Eaden. London and New York, Macmillan & Co., 1891. — 212 pp.

This is an excellent translation of the volume which appeared in Paris about four years ago under the title *La Developpement de la Constitution et de la Société Politique en Angleterre.* It is a most suggestive study in the history of the social classes of England, and of the influence which their development has had on the form of its constitution. It is not a systematic treatise, but rather a brilliant review of the great

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changes through which England has become socially and politically what it is to-day. The two features of the book which most command attention are these: the author ignores almost wholly the Anglo-Saxon period; he lays great emphasis on the social changes of the eighteenth century which, culminating as they did in the legislation of 1832, amounted to a profound social revolution. This method of treatment will be quite novel to readers unacquainted with Gneist and with the historians of the industrial revolution in England, Toynbee and Held. To the works of Toynbee and Gneist Professor Boutmy is evidently much indebted, while he also finds in the pages of Stubbs abundant material to illustrate his views. The comparisons which are drawn between the constitutional development of England and that of France are most suggestive, and throw much light on the history of both countries.

According to the view here presented, England became a fully developed state with the Norman conquest. Then it escaped from the immature and stationary condition of the Saxon period. An all-powerful kingship was established, an elaborate, highly centralized administrative system was formed. The itinerant judges were to England what the *missi* were in the Carolingian empire. The comparative isolation of England, its definite natural boundaries, its limited area, made it possible to organize and perpetuate the Norman system of judicial, financial and military control. Feudalism was not allowed to develop as it did on the continent; a rigorous national unity was very early attained. The chief administrative divisions, *viz.* the counties, were small and possessed little independence. There were no provinces which had enjoyed sovereignty, and in which sub-nationalities existed. Law and custom therefore became uniform, and we find nothing like the variety of legal development revealed in the *coutumes* of France. It will surprise most readers to learn that no administrative system so highly centralized, so rigorously national as the Norman, existed in France till the beginning of the present century.

So weak was the nobility in the presence of such a kingship that they were compelled to seek the support of the other classes. Thus the alliance was formed through which Magna Carta was obtained. The formation of a rural middle class, the knights, who separated from the nobility and united with the citizens, was another feature of England's development peculiar to herself. The larger landholders thus became divided into a provincial upper class and a political aristocracy. The former, by intermarriage with burghers and through division of estates, broadened till it became the most influential class in the nation. It early lost its military and feudal character, and into its hands, after the appointment of the justices of the peace, fell the control of local administration. It also assumed the leadership in the House of Commons

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and through its efforts the constitutional precedents of the fourteenth century were established. In the time of the Stuarts this class became known as the country gentlemen.

Professor Boutmy holds that with the fall of the nobility in the Wars of the Roses feudalism practically disappeared from England. He does not regard the events of 1648 and 1688 as involving or resulting from deep social changes. They were wholly political and were in the main the efforts of the newly invigorated estates, the new nobility and the country gentlemen, to recover the rights which had been lost during the Tudor reigns. Hence at the beginning of the eighteenth century society still retained almost the same form as that which it had assumed during the thirteenth and fourteenth centuries. The nobility existed simply as leaders among the gentry, while the gentry itself was constantly being recruited from the yeomen and the burghers. Now came the great inventions and the development of manufacturing. Land became valuable. It was appropriated or bought up. The passage of enclosure acts began. Estates were enlarged and consolidated. The gentry, controlling both Parliament and local government, used their power in elections, in legislation, in the courts to strengthen their own position and to crush out the yeomen. The author supports Professor Rogers, though it seems without sufficient reason, in the assumption that this was done with full knowledge and intent. However that may be, it resulted in the contraction of the higher classes into an oligarchy, which possessed the highest social and economic advantages, and which ruled England till 1832. Many evils in the land system and local administration usually attributed to feudalism originated during this period. The ruin of the yeomen was completed by the fall of prices after the peace of 1815. But since 1760 another England had been developing — that of the manufacturers and artisans. An inevitable conflict of interests arose between them and the gentry. The supremacy of the gentry was destroyed by the first Reform Act. That sealed the doom of the oligarchy. All succeeding reforms, political and social, have followed as its consequences. In the opinion of the author agrarian legislation must become more and more radical till the work of the eighteenth century is undone.

This volume illustrates two existing tendencies among historical students, the one general, the other particular. The general tendency is to seek the causes of political change in economic and other social forces. The political and legal historians are now under obligation to avail themselves, as Professor Boutmy has done, of the results of research in economics. The particular tendency is to regard the existing social and political system of England as largely the product of recent changes. This greatly increases the importance of the eighteenth century as a period for historical investigation.

H. L. Osgood.

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Documents Illustrative of the Canadian Constitution. Edited, with notes and appendixes, by WILLIAM HOUSTON, M.A. Toronto, Carswell & Co., 1891. — 338 pp.

This book is chiefly useful for the convenient form in which it presents documents leading up to and embodied in the present constitution of the Dominion of Canada. The editor says in his preface:

> I have made no attempt to interpret the documents here collected. Mine was the humbler but infinitely more useful task, to see that the texts were as correct as possible, and to give in form of notes such historical information and references as would tend to lighten the labors of the student, without supplying him with ready-made opinions.

It might appear from this that the editor had sought out original manuscripts where they existed and from them had carefully prepared his copy. This, indeed, would have been a very useful task; but from an inspection of the book it does not appear that the editor's eye passed over the original manuscripts in a single instance, nor does he disclose that he made any particular effort in this direction. His sources for the documents published are chiefly reprints of official publications. However, as very few serious questions in Canadian constitutional history turn on disputed readings, the matter of texts is of little importance.

Mr. Houston opens with an introductory chapter on the method of studying history in general and Canadian constitutional history in particular. He advocates the study of the documents themselves, without the aid, or as he would call it, the interference of lectures. Next comes a chronological table of events in Canadian and United States history, and then follow the documents which form the principal part of the volume.

After extracts from the treaty of Utrecht, by which Canada was ceded by France to England in 1713, there follow in chronological order, 1749–1784, the documents which illustrate the representative institutions in the maritime provinces — Nova Scotia, Prince Edward Island and New Brunswick. The next group presents the capitulations of Quebec and Montreal, and other papers relating to the establishment of English domination over the Canadian provinces; the Quebec Act of 1774, erecting the English possessions into a province, with the subsequent acts supplementary thereto; the Constitutional Act of 1791, separating these possessions into two provinces, Upper and Lower Canada, and supplementary acts; and the Union Act of 1840, reuniting these two provinces. This takes us to the British North America Act of 1867, which, together with certain amendatory enactments, forms the present constitution of the Dominion of Canada. These acts are

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accompanied by the texts of the commissions of the governors-general and royal instructions.

In an appendix are presented extracts from various treaties made by Great Britain relative to Canada, abstracts of papers on the boundaries of the various provinces, and numerous documents as to fisheries, the introduction of English law and trial by jury in Upper Canada, resolutions and despatches relative to political events in Canadian constitutional history, and a copy of the constitution of the United States, to which the present constitution of Canada bears a strong resemblance.

In beginning his collection with the establishment of English rule, Mr. Houston omits many interesting and valuable papers of the French régime whose effect can be traced in many of the existing institutions. The notes which have been placed at the end of some of the groups of documents show the source of the texts and explain obscurities, thus rendering much aid to the student of the subject.

THOMAS D. RAMBAUT.

Black America: A Study of the Ex-Slave and his Late Master. By W. LAIRD CLOWES. London, Paris and Melbourne, Cassell & Co., 1891. — 8vo, xiii, 240.

This latest book upon the negro question is noteworthy mainly for two reasons: first, because it is a study of the question by a foreigner for the purpose of bringing one of the great questions of United States politics before the English public; and second, because, after a rather careful survey of the field, it proposes a radical solution, which has some good features. The book is mainly a reprint of a series of ten letters which appeared in the London *Times* about a year ago, written by a correspondent sent over to make a personal study.

Mr. Clowes treats his subject in six chapters. The first, entitled "The Black Belt," describes the general feeling on the negro question and gives the statistics of present population and the estimates for the future, in regions where the negro forms a conspicuous element. Chapter II, "The Ex-Slave as Master," contains an outline of the history of Reconstruction, written entirely from the standpoint of a Southern Democrat. The author's chief if not sole source of information on this subject seems to have been a book entitled *Why the Solid South? or Reconstruction and its Results*, written mainly by prominent Southern politicians. Hence many very important points in the history of the different phases of the negro question are entirely overlooked. In the chapter on "The Ex-Slave as he is," the author describes the Southern feeling toward the negro, the absolute suprem-

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acy of the white race, the frauds at the polls, the social and moral status of the negro. The mutual antipathy between the races is brought out with such journalistic cleverness — by extracts from newspapers — as to be almost startling to the reader. Doubtless some generous friend has placed a scrap-book at the author's disposal.

The author then asks:

> Is there any doubt that there is a race problem of infinite difficulty and danger awaiting, nay crying for, solution in America? Is it not true that there is practically one law for the black and another for the white in the South? . . . Is it not the duty of the United States to deal with the question? [Page 106.]

These and many other such questions cease in a large measure to be alarming after a careful study of the status of the negro during, say, the periods of the war, of unorganized, or rather, disorganized Reconstruction, of negro supremacy, and of the present political impotency of the race. How amusing it now is to look back upon the time when millions were arguing that the negro could never provide for his own wants (and therefore must soon perish) and that he would never care for education! Although the author is probably right in indicating, as he does in treating of "The Position of the Southern White," that the negro is growing bolder and perhaps more dangerous in certain respects, he, like all others who have studied the question impartially, admits that the condition of the negro to-day is much superior to what it was two decades ago. Still, insisting upon the seriousness of the problem, he rejects as impracticable or inadequate such solutions as the repeal of the fifteenth amendment, miscegenation, education, or the abandonment of certain of the Cotton States to the negroes. The ideal solution, according to Mr. Clowes's final chapter, would be the colonization of all negroes in the central belt of Africa, especially in the Congo Free State, Liberia and the British and German possessions on the Gulf of Guinea, and the half-breeds in the West Indies and in Central or South America. But the questions instantly arise: "Is the negro willing to go? Can the negro be dispensed with? How can he be removed? Whither can he be sent?" The author's answer to these is very interesting, but not altogether cogent or satisfactory. In order to conceal from his own view what would naturally be the effect upon the negro of such colonization, Mr. Clowes tacitly ascribes to the race certain qualities, which, if really possessed (whether dormant or not), would make the danger from keeping the negro here infinitely less than the author would have us believe it is.

Mr. Clowes's temper is excellent. His method is journalistic rather than scholarly; but as his aim seems to have been the elucidation of the question for the general reader rather than a more profound study,

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he is to be congratulated upon his success. Such work as he has done is of no slight importance in connection with a question whose ultimate solution is dependent upon the extent and accuracy of popular information in regard to it.

FREDERIC BANCROFT.

Recueil des Inscriptions Juridiques Grecques: Texte, Traduction, Commentaire. Par R. DARESTE, B. HAUSSOULLIER, TH. REINACH. Premier fascicule. Paris, E. Leroux, 1891.

Though the French have distinguished themselves by scholarly and critical treatment of large numbers of Greek inscriptions, and have discovered and published perhaps more than the Germans during the past fifteen years, yet (except in the case of the older Le Bas-Waddington collection) they have left to the Germans the gathering of these inscriptions into systematic collections containing the best critical texts. The publication to which attention is here called marks a departure from this habit, but in a limited way and in a limited field. It is to consist of three parts, of which the first lies before us. It confines itself to the sphere of juridical inscriptions, and within this sphere to such as are most important and most instructive for the end in view. This end is not primarily that of the epigraphist. The epigraphist may and will benefit by its results; but the collection is especially prepared for the student of jurisprudence who wishes to pursue his researches in the domain of antiquity beyond the limits of Roman law, and may otherwise be repelled by insufficient knowledge of Greek or by the difficulties of the subject matter or of the dialects. The editors have rightly believed that the inscriptions themselves are well worthy of the attention of the jurisconsult, and that to be widely studied they need only to be made accessible. To attain this purpose they have given a carefully edited text, embodying the labors of previous editors and their own; and to this they have added a translation, expressed in language at once precise and juristic, and besides this a commentary upon the most important facts of the inscription. The work is therefore eminently practical and eminently useful and is to be heartily recommended to the student of law or of antiquities. Several of the inscriptions selected for the volume embody some of the most difficult legal questions presented by antiquity.

The varied contents of the fascicule may be seen from the following summary: No. 1, Halicarnassus, law regulating the re-acquisition of confiscated property by *émigrés;* No. 2, Ceos, relating to funerals; No. 3, Gambreon, on mourning; No. 4, Ephesus, on the abolition of debts during the Mithridatic war; No. 5, likewise from Ephesus, relating to mortgages at the close of the war; No. 6, Myconos, regis-

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tration of dowers; No. 7, Tenos, registration of sales of real estate; No. 8, a complete *corpus* of mortgage inscriptions on boundary stones, sixty-eight in number, from Attica, Lemnos, Amorgos, Syros, Naxos; No. 9, Eretria, contract for draining a marsh; No. 10, Cnidos, judgment rendered by Cnidos in favor of Calymna. Each of these inscriptions gives occasion for a considerable treatise upon the subjects contained in them. Especially valuable are those on dower and mortgage. The names of the editors are a sufficient guarantee for accuracy in their work. M. Dareste in particular is widely known as a high authority on legal antiquities and as a frequent contributor to periodicals of articles upon the inscriptions published in this collection. It is very appropriate that the most important of these should be gathered into a single volume where they can be studied together and in continuity.

A. C. MERRIAM.

The Origin of Property in Land. By FUSTEL DE COULANGES. Edited by W. J. ASHLEY, M.A. London, Swan Sonnenschein & Co., 1891. — xlviii, 153 pp.

This work is a translation of Fustel de Coulanges's able argument against communal holding of land, which appeared in the *Revue des Questions Historiques* nearly three years ago. The character of the essay hardly justifies the title; for we have not here a discussion of how property originated, but an *ex parte* argument to show that the opinions of Maurer, Viollet, Mommsen, Laveleye and Jubainville, who support the existence of an original agrarian community, are without historical foundation. M. Fustel's title was *Le Problème des Origines de la Propriété Foncière*, but we have still to wait for a work which, with no theory to defend, shall present the views of the various scholars who have discussed, from one side or the other, this important subject. Aside, however, from its inadequacy in this direction, this book will serve a most useful purpose in causing students and readers to stop and think a little more about the subject, particularly as presented in such a superficial work as that of Laveleye; for here M. Fustel's criticism seems wholly justifiable. Furthermore, in presenting to us in compact form the method which he pursued in his examination of mediæval institutions, M. Fustel has revived one feature of historical method which seemed to be suffering neglect, *viz.* critical, accurate observation. But at the same time the book contains all the faults of that method — too close adherence to the interpretation of text, a tendency to slur over evidence which opposes the author's theory, to interpret all evidence in its favor and to slight his opponents, whether by speaking of them in uncomplimentary terms, by misrepresenting them or by neglecting them altogether, and finally a practical avoidance of the comparative method.

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Regarding this latter method the author has many weighty observations, which might well become axioms; but while laying down the conditions of its use, M. Fustel does not in fact employ it. Only in *La Cité Antique* has he used it at all.

M. Fustel's searching judgment upon all superficial investigation has led him to take too masterful an attitude as a critic. Take for example his criticism of M. Viollet, perhaps a careless but yet not an unworthy opponent. Viollet had said that M. Fustel had been unable to recognize the great historical fact of an original community in land, "because he saw that every family had its own hearth, its own worship, its own ancestors." To this M. Fustel replies:

> This is true. I willingly grant that the facts which I saw and which I have completely proved prevented me from seeing the imaginary facts that M. Viollet thought he descried in his eleven quotations. [Page 96.]

Will the historical world acknowledge that the theories in *La Cité Antique* are completely proved? Again, notice a treatment of Laveleye, in a measure warranted and yet not quite fair. M. Laveleye in attempting to prove common ownership refers to the Law of the Twelve Tables regarding succession and quotes Gaius wrongly. M. Fustel, seizing upon this misquotation, contemptuously dismisses the whole passage, giving Laveleye no credit for the truth of his statement, that in default of *proximus agnatus* the gens received the *familia* ("*gentiles familiam habento*").

There is, however, a more serious weakness in M. Fustel's method, since he leaves practically untouched the very keystone of the theory which he opposes. He frequently recognizes in this and other works the existence of rights common to groups of villagers; but without inquiring into the origin of such, he merely says: "We are here far removed from the community 'of the associates of the mark'; for in this instance the cultivators of the soil are merely tenants under a proprietor." The origin of communal rights he thinks to be based on the legal theory of dominical grant. It is not easy for Professor Ashley to criticise M. Fustel, but on this point he ventures the opinion that the latter has failed to understand the importance of the economic side, — a fact plainly apparent. Whereas many writers have magnified traces of an original communal system, M. Fustel cannot see them at all. It is along this line that M. Glasson has taken the great historian to task in a small work, of the existence of which Professor Ashley does not seem to be aware. All who read M. Fustel's writings should in justice read *Les Communaux et le Domaine Rural a l'Époque Franque; Réponse a M. Fustel de Coulanges.*

Professor Ashley's introduction is full of interest and contains much

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valuable information. It is chiefly in support of Mr. Seebohm's theory of a Roman origin for the English manor, to which on the whole Professor Ashley adheres. This theory is based on the supposition that the manor sprang full grown from the ruins of a Roman occupation, *i.e.* it denies its growth on English soil. Surely there is much that is gratuitous about this assumption. We find the Saxon manor of 1000 A.D. in many respects similar to the Roman villa of Varro and Columella, which latter we may rightly say was unchanged at the time of the *Völkerwanderung*. Here is a period of 600 years without evidence; for all Mr. Seebohm's evidence before the *Rectitudines* proves nothing more than that the germs of the seigneurial element existed from the beginning.

But Professor Ashley even goes so far as to say that the connection between the Roman villa and this seigneurial element is in his opinion conclusively proved (page xlii). This hardly does credit to Professor Ashley's critical faculty. The character of *eorles tûn* and *mannes tûn* in Æthelbirht is, there is every reason to believe, identical with that of the Danish *by* in the north, where there was no such Roman influence. Yet in the north the manorial system developed, as well as in the south. There is nothing to show even in the least degree that these *tûns* of Æthelbirht were Roman villas or in any way comparable to Roman villas. There is no indication of gafol or gafol land. In Ine we find more of the elements of the manor, but know nothing about the work, upon which the whole question turns. There is gafol land and yard land, but no mention of week-work, *precationes*, or of more than one class of ceorls, the gebûras. The letting of a yard land bears all the ear-marks of a new, not an old custom; even as late as the time of Ælfred there are indications that gafol was not universal, and cotsetlas are not heard of until the middle of the tenth century. Regarding the manors at Hysseburne and Tidenham, we can simply say that the statements indicating a greater degree of serfdom are weak at best, and we may apply Fustel de Coulanges's own dictum, with a slight change of wording: One cannot judge of the whole *English world* from a chance occurrence in the *manor at Tidenham* (*cf.* page 95). In fact there are many missing links in Mr. Seebohm's theory and much pure conjecture; and as Professor Ashley criticises Fustel de Coulanges for his lack of economic insight, so we may venture to criticise Professor Ashley for not being more of an historian. We can but commend to all discussing this subject Professor Pollock's remark, that "no writer has yet committed himself to a theory on this matter without underrating the complexity of the problem and omitting to deal adequately with one or more necessary problems." The origin of the manor can only be solved by combined efforts on the part of students in constitutional and economic history and in the history of law.

CHARLES M. ANDREWS.

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A Treatise on the Law of Citizenship in the United States. By PRENTISS WEBSTER, of the Boston Bar. Albany, N. Y., Matthew Bender, 1891. — 8vo, xxiv, 338 pp.

The title of Mr. Webster's book is misleading. The work is not primarily a statement of the law of citizenship as it is, but an expression of the views of the author as to what that law ought to be. That Mr. Webster declares these views of his to be the law of nature and of nations does not modify their purely subjective character. That certain other writers agree with him does not elevate their common theories to the rank of law of any sort. It is an axiom of modern political science that there is no international law except that which is actually recognized in the practice of modern civilized states. It is an axiom, again, that international law as such is law of an imperfect sanction, prevailing within each state only by virtue of its express or tacit acceptance by the state in question. But Mr. Webster does not regard these principles as axiomatic. He believes that there is a law of nature which is *eo ipso* the law of nations. He believes that this system of law overrides national (or, as he calls it, "local") law. And of this natural law he believes that he and other writers on the subject are authoritative interpreters. When the highest courts of any country differ with him, he regards their decisions as erroneous in law.

In the main, citizenship is discussed by the author from the international point of view. Here he takes two positions which no one will be likely to dispute, namely, that every man should have one and only one citizenship, and that he should be free to change it. But in declaring that both these principles form part of existing international law, our author goes too far. The right of expatriation is unquestionably coming to be regarded as a principle of international law; but its general recognition is only a quarter of a century old, and its observance still rests either upon treaties or upon rules of municipal law. And the broader principle of one exclusive citizenship has not yet obtained any general recognition. As long as some states impose citizenship upon all persons born within their territory; others upon all children born to citizen fathers; others upon all children born to fathers domiciled within the territory; others upon all persons who acquire domicile within the territory; and yet others upon two or more of these various classes at the same time, — so long must cases of dual citizenship arise. And when they arise, there is no solution of the problem except that which was formulated, under analogous circumstances, in the second century: "Cum te Byblium origine, incolam autem apud Berytios esse proponis, merito apud utrasque civitates muneribus fungi compelleris." The double citizen is subjected, within each jurisdiction, to the territorial law; nor,

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in modern international practice, does the one state undertake to protect him against the other. The only exception to this rule is found in the attempt of the United States (since 1859) to protect its naturalized citizens against their original states; and the attempt has been successful only in so far as the foreign states have recognized, by law or by treaty, the right of expatriation. In other cases the rule stands unshaken. It is recognized in our own diplomacy, although Mr. Webster asserts (page 97) that it is not. He does not seem to have consulted our consular regulations; nor, although he cites it, does he seem to understand the case of Santiago Smith's children.

The difficulties which result from the conflict of "local" rules disappear, according to Mr. Webster, in the presence of a higher rule. It is his contention that the law of nature and of nations furnishes a positive rule concerning the acquisition of citizenship at birth, and that this rule is the *jus sanguinis*, *i.e.* the inheritance of the father's citizenship. Now not only is this rule not a rule of international law at the present day, but it may safely be predicted that it never will be. The whole tendency of modern thought is indeed to demand that every person who is a member of a particular national society shall also be a member of the state in which that society finds its political organization. Every one, for example, who is really a Frenchman in his instincts and ideas ought to be a French citizen. But blood is only one of the elements that determine nationality in this broad sense. Education is a very important factor, and education means place of residence during minority. Which is the more truly a Frenchman — the child of a Frenchman, born, educated and permanently established in England, or the child of a Russian, born, educated and domiciled in France? If there be any doubt about the children, how will it be with the grandchildren and great-grandchildren, if the domicile of the family remains unchanged? Family domicile is the factor of prime importance; and it is the great defect of the *jus sanguinis* that it wholly ignores this factor. The *jus sanguinis* tends, as Lord Bacon prophetically declared, to establish and maintain whole tribes of aliens within the territory of each state. Because of this defect, the system of descent is actually losing ground everywhere. It prevails to-day in only a small part of the civilized world, and precisely in that part where there is the least immigration, *viz.* the northern and central portions of the continent of Europe. In France, where the *jus sanguinis* was introduced by the Code Napoléon, it has practically been abandoned. The reaction which began in the laws of February 12, 1851, and December 16, 1874, has culminated in the law of June 26, 1889, which practically establishes the principle of the family domicile. This principle had already been incorporated in the Italian and Dutch laws; and it is probably here rather than in the

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pure *jus sanguinis* that we have the germ of the general law of the future. Of this whole development Mr. Webster appears to know nothing.

In his fragmentary and unsatisfactory discussion of the law of the United States, the author endeavors to show that his law of nature actually obtains in this country. He maintains that neither *jus soli* nor the doctrine of indissoluble allegiance (*i.e.* allegiance dissoluble only by the consent of the sovereign) was ever received in the United States. The decisions and dicta of the Supreme Court affirming the existence of these common-law principles in our country were based upon the erroneous assumption, he holds, that there was in this country a sovereignty which replaced the English crown and succeeded to its rights. He asserts that the colonists established an entirely different kind of state, — a state based on social contract, in which the single citizen enters into relations with his fellow-citizens only, and not with any sovereign power. This, at least, is what he seems to say in several rather nebulous passages. He seems to hold that there is no sovereignty in our political system.

It is perhaps for this reason that, when he comes to discuss the existing law of the United States, he quietly ignores the distinct declaration of *jus soli* in the fourteenth amendment and enlarges upon the Congressional definition of citizenship in the act of April 9, 1866 — which, by the way, he invariably calls the "act of 1868." The act of 1866 apparently excepts some children of aliens from the operation of the *jus soli*, since these may be "subject to" a "foreign power." The fourteenth amendment does not exclude this class of persons, since they are assuredly "subject to the jurisdiction" of the United States. (See McKay *vs.* Campbell, 2 Sawyer, 118.) An ordinary American lawyer would assume that, in case of conflict, the constitutional definition must override the statutory definition. Mr. Webster does not discuss the point: he dismisses the fourteenth amendment with the simple remark that it was intended to secure to the negroes the civil rights enjoyed by the whites.

Another amazing dictum of our author is that the expatriation act of July 27, 1868, is "self-explanatory." If this be true, our executive department must be very dense, for it has more than once asked Congress for explanatory legislation. The law of 1868 declares that expatriation is "a natural and inherent right," and that any denial or restriction of this right is "inconsistent with the fundamental principles of this government"; but the law does not indicate by what means the individual may expatriate himself. It not being evident what acts would be sufficient to work expatriation, the executive department has repeatedly urged upon Congress the necessity of regulating this question by law.

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This Congress has not done; and it therefore seems doubtful whether an American citizen can even now expatriate himself (except under the provisions of our expatriation treaties), since the law does not say *how* he is to do it.

The book is full of confused thinking and confusing writing. It is of no value to the lawyer; and for the student of political science its only interest is *culturhistorisch*. It is a striking illustration of the survival of eighteenth-century theories.

MUNROE SMITH.

Principles of Economics. By ALFRED MARSHALL, Professor of Political Economy in the University of Cambridge. Volume I. Second edition. London and New York, Macmillan and Co., 1891.

The early appearance of a second edition of Professor Marshall's work reveals, not the value of the book, — for that was too fully shown by the first edition to need further attestation, — but the quality of the reading public that demands so much literature of this rare order. While the new features of the present edition are chiefly in detail and arrangement, they add to the clearness with which the author expresses his view at a number of test points. Book V, which contains the substance of Books V and VI of the earlier edition, embodies, as the writer says, more of his life work than any other part, and is now in a form to make that work most effective in influencing economic thought.

The changes made in Book VI are of much interest. It may be remembered that in a notice of the work published in this QUARTERLY in March of the present year exception was taken to the application of the so-called law of substitution to labor and capital regarded in their entirety. The criticism was not intended to convey the impression that, in Professor Marshall's view, capital, as it increases, substitutes itself for labor to the extent of remanding labor to idleness. Against expressing such an erroneous view as this the author guarded himself even in the earlier edition; and in the present one he does so in emphatic terms. More capital means a greater demand for labor, and not a smaller demand. The question raised by the former criticism was whether the relation of mutual substitution that can be predicated of specific forms and limited quantities of labor and of capital can, as a matter of theory, be predicated of the entire supply of those agents. It is a dialectical point that cannot here be discussed, and that does not need to be discussed in connection with the present edition of Professor Marshall's work. The description of what actually happens when capital becomes more abundant is given in the latter part of Book V in terms that are wholly admirable.

J. B. CLARK.

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Principii di Economia Pura. Per MAFFEO PANTALEONI. Firenze, G. Barbèra, 1889. — 396 pp.

This is one of a series of small manuals for students of the legal, political and social sciences. It professes to be "a succinct exposition of the principal definitions, of the fundamental theorems and of the most essential classifications which constitute economic science properly so called, or pure economics." This describes very correctly the general character of the book. The author thinks that most works on his subject are too superficial, and that no real mastery of it is possible without long and patient tugging at the basal conceptions and principles. In this I agree with him, doubting, however, whether the average learner will best make his way into the science by just the kind of "exact" method which this manual follows, — so many diagrams, mathematical formulas, *etc.*, — and whether economics needs so lengthy a psychological propædeutic as is here set forth. Nearly a third of the book is an analysis of the human sensibility and would be well in place in a work on psychology.

In theory Pantaleoni is very old-school, ranking in this respect more nearly with Leroy-Beaulieu and the editor of the *Journal des Économistes* than with any other economists of note now living. He retains, in effect, the "economic man," as well as the old doctrine of a wages-fund, and earnestly opposes Boehm-Bawerk's new theory of interest. In this part of his work he is certainly so far successful as to prove that the Austrian's theory brings to view a subsidiary rather than the fundamental cause of interest. In method and to a great extent in matter Pantaleoni closely follows Jevons, whom he greatly admires and continually quotes. He thinks that Menger and the others who from the same standpoint have recently written upon value, have added nothing to the teaching of Jevons. In a note to page 121, touching the difference of effects upon value between products *beyond* and products *within* the demand, he charges Menger with a "most audacious plagiarism" upon the books of Cournot, Gossen, Jennings and Jevons, adding that Bastiat utilized Carey in the same way.

One of the best features of the manual is its fulness of instructive references to economic writers present and past. The author is at home with them all, calling attention to some not often mentioned in our English and American publications. Thus he names with favor Gossen, *Entwickelung der Gesetze des Menschlichen Verkehrs, etc.*, Braunschweig, 1854; Jennings, *Natural Elements of Political Economy*, London, 1855; Juglar, *Du Change, etc.*, Paris, 1868, and *Principes et Faits qui regissent la Circolation Monétaire et Fiduciaire*, Paris, 1867; and a great number of Italian treatises on economics. Indeed, whoever

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wishes to acquaint himself with the present state of economic science in Italy will find this manual an excellent guide.

Although professing ignorance of severe mathematics, Pantaleoni is evidently much impressed with the value of mathematical methods in economic exposition, showing himself conversant with the writers who have led in these, as Cournot, Walras *fils*, Launhardt and Antonelli. He expresses much surprise that the notion of final utility as a determinant of value was so little known down to the publication of Jevons's *Theory* in 1871 and that of a memoir read by L. Walras before the Paris Academy in 1873. He says that the idea was then

> anything but new. Jevons had already expounded it before the British Association in 1862 and again in 1866. Marshall taught in the University of Cambridge from 1869 the theory of final grades of utility and that of differential utility. L. Walras *père* had laid bare the kernel of the truth in two different writings (*De la Nature de la Richesse et de l'Origine de la Valeur*, and *Theorie de la Richesse Sociale*), in 1831 and 1849 respectively, and in 1854 Gossen had printed his *Gesetze des Menschlichen Verkehrs*, in which the doctrine of final utility is treated with a perfection reaching to the minutest points. Besides, in 1844 and 1849 Dupuit had inserted in the *Annales des Ponts et Chaussées* two memoirs, one entitled *De la Mesure de l'Utilité des Travaux Publics*, the other, *De l'Influence des Péages sur l'Utilité des Voies de Communication*, which were very well known among engineers, and which unfolded the theory of final degrees of utility with much clearness. [pp. 96, 97.]

Bordas, 1847, and Minard, 1850, the author says, discussed the doctrine, as did Jennings in his work mentioned above. Moreover, many mathematicians were familiar with it. Walras *fils* professes to have found it in Burlamaqui, 1694–1748. "Ricardo, and before him Anderson, discovered and utilized a special case of it." On this history the reader is referred to Loria, *La Teoria del Valore negli Economisti Italiani;* Graziani, *Storia Critica della Teoria del Valore in Italia;* and Zuckerkandl, *Zur Theorie des Preises*. Pantaleoni makes it a point wherever possible to note the originators of economic doctrines or of important modifications thereof, thus furnishing the reader with the elements of a useful history of economics.

For the rest, Pantaleoni's exposition, as distinguished from his method, is charmingly clear, — nearly always the case with Italian writers. He obtrudes no novelties in thought. The chief defect of the book is that it too much ignores the necessary relativity of most economic doctrine. Spite of this it will do good. A work of similar structure and aim in English is a desideratum, since the greatest lack of our economic teaching is tough drill in economic analysis.

E. BENJ. ANDREWS.

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Agrarpolitische Zeit- und Streitfragen. Von AUGUST VON MIASKOWSKI. Leipzig, Duncker und Humblot, 1889. — viii, 329 pp.

Das Problem der Grundbesitzverteilung in Geschichtlicher Entwicklung. Von AUGUST VON MIASKOWSKI. Leipzig, Duncker und Humblot, 1890. — 40 pp.

The papers collected in the first of these volumes are addresses and essays written by Professor Miaskowski since 1880. They are by no means confined to strictly agrarian questions, though these predominate, and the other topics discussed are more or less directly related to land policy or administration. Some idea of the scope of the collection may be obtained from such titles as the following: "Social Politics in the Swiss Alps"; "The Condition of the Prussian Peasantry"; "The Present Condition of German Agriculture"; "The Division of Landed Property and Reform of the Laws of Inheritance in Germany"; "The Temperance Agitation and the Brandy-tax Reform"; "The Money Question" (a discussion of recent phases of bimetallism); and "The Profits from Land and the Organization of Land Credits." Taken together the papers are a fairly comprehensive review of recent land policy in Germany and Switzerland, with interesting side lights from other phases of social economic reform. They are well packed with information and abound in thoughtful suggestions. In some of these addresses Professor Miaskowski appears as a constructive thinker and in others as a judicious observer of practical affairs, but in all he adheres closely to concrete fact and to the historical method. His views would be called progressive but moderate. On the money question he would favor bimetallism if it could be established on an international basis with England's co-operation, but he sees little reason to expect any such solution of the problem in the immediate future. His picture of the condition of the Prussian peasantry and of German agriculture is not a very bright one, and it contains much to strengthen the reader's doubts as to the wisdom of the social policy of the Bismarckian régime.

Even a historical economist has usually a social theory of some sort which he is willing to defend, and Professor Miaskowski's is clearly stated in his study of the social politics of the Alpine cantons. His point of view is distinctly sociological. He inquires whether the political constitution of a country does not stand in some necessary relation to the larger social structure — the voluntarily formed associations for carrying on business, religion, the work of culture, *etc.*, and his affirmative answer will suggest to American readers the argument of Lieber's *Civil Liberty*. Unless the political constitution is grounded in a popular institutional life, the social organizations that should be subordinate to

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the state will corrupt the government, or the government will by coercion remould the social institutions. Professor Miaskowski pushes the thought further than Lieber did, however, and works it out in a more modern way, by asking the further questions: whether the class interests and class differences that grow up independently of state action bear any ascertainable relation to political constitutions; whether private property on the one hand, or collective property on the other, intensifies class struggles; and what is the influence of a collective ownership of land upon culture. His discussion of these questions is interesting and his conclusions contain little to strengthen socialistic arguments. Only when class interests are in equilibrium is the political constitution secure; but socialism can no more abolish class distinctions or insure an equilibrium of interests than can private property and inheritance. As for culture, there is no warrant in history or observed fact for expecting a development of its higher forms in a community whose social organization is based on a common ownership of land.

The address on the distribution of property in land was delivered at the University of Vienna in October, 1889, and is a valuable historical review.

FRANKLIN H. GIDDINGS.

Studies in Statistics: Social, Political and Medical. By GEORGE BLUNDELL LONGSTAFF. London, Edward Stanford, 1891. — 455 pp.

Dr. Longstaff's book is a very valuable addition to the literature of statistics. It is at once scientific and popular: scientific because, in the main at least, the data are trustworthy and the conclusions drawn therefrom correct; popular in that the author has selected topics of general interest for his investigations and has expressed himself in good plain English. Popularity is not pre-eminently a thing to be sought in a book of this class, but if it can be obtained with no greater detriment to the real value of the work than it has entailed in this case, it is a great advantage. Statistics have the reputation of being "dry," but they are necessary and will always constitute one of the chief sources of information. Any book, therefore, that will encourage the public to use them intelligently will do just so much toward preventing their abuse.

The work begins with a short but very pithy introduction. The author defends statistics, arguing that

> it is no more reasonable to condemn statistics because many men cannot marshal figures correctly, than it would be to deny the utility of geometry, because many boys fail to master the first few propositions of Euclid. . . . The primary requisite [of a statistician] is a logical mind and a sound logical

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training; the second is a good general knowledge of the subject to which the figures under consideration relate.

Both these requisites the author seems to have.

In Chapters II and III he gives an excellent explanation of death, marriage and birth rates, illustrating by diagrams for England and Wales. Following this, the growth of population in England is considered, then the question of migration, and next the growth of new nations — the United States, Canada, South America, South Africa and Australia.

Dr. Longstaff differs with President Walker on some very interesting points, notably on the negro question. According to the census of 1880 there were 15,162 colored to 100,000 white in the population of the United States, as against 14,528 in 1870 — a gain of 634. In some of the states the gain was much heavier, 10,970 in South Carolina and over 1000 in each of five other states. General Walker says in his report:

> It is believed by the census office, however, that these apparent gains are due, in a great measure, to the imperfections of the census of 1870. Under the conditions which prevailed at that time it is probable that a much larger proportion of negroes were omitted than of whites.

The large proportionate increase in certain states may possibly be accounted for by the immigration of blacks and the emigration of whites, and this theory is supported by the large decrease in Texas (12,029) and Florida (6613). The aggregate figures for the whole Union, however, require further investigation. If, as Dr. Longstaff thinks, they are due to natural increase, we are in a sorry plight indeed; for practically no blacks have come into the country, while there have been immense numbers of white immigrants. Supposing the immigration to cease and the negro increase to continue, we should soon be overwhelmed. In support of Dr. Longstaff's view, it is true that the negroes all belong to the lower classes and it is well known that these classes increase more rapidly than the upper. On the other hand, as has been pointed out by Professor Mayo-Smith, not only the birth rate but also the death rate is very high among the colored people. A very large proportion of the negroes born in this country die in childhood, so that we can judge of the danger only after a careful study of the age classes of this population. It is very interesting to see ourselves with English eyes, and it would have been gratifying if Dr. Longstaff had gone into the question a little more fully.

After several chapters on special subjects, including a very intelligent discussion of the growth of city population, the latter half of the volume is devoted to medical statistics. Here the author appears to be even better equipped than in the other subjects, and some very valuable results are reached.

FRANK R. HATHAWAY.

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Socialism, New and Old. By WILLIAM GRAHAM, Professor of Political Economy and Jurisprudence, Queen's College, Belfast. [International Scientific Series.] New York, D. Appleton & Co., 1891. — xviii, 416 pp.

This book consists of a history, a criticism and a concession. The historical part, which covers the history of socialism from Moses to Karl Marx, is essentially weak, and is inferior to the more systematic works of de Laveleye and John Rae. The author, to my mind, lays too much stress upon the socialistic influence of Rousseau and St. Simon, while he entirely ignores the more profound speculations of Rodbertus and the German *Katheder*-socialists. The influence of Rousseau was directly political and that of St. Simon ethical, and neither really grappled with the economic problem which is at the same time the reason for socialism and the obstacle to its success, — the problem of a scientific and equitable distribution of wealth. This is tacitly admitted by the author, inasmuch as when he comes to criticize socialism he confines himself to that modern form of it known as collectivism.

This criticism is the most valuable portion of the work. In it the attempt is made to conceive how things would constitute themselves under a collectivist régime. This is a question which the socialists have neglected, contenting themselves with the support of the general principle and leaving the details to the future. Perhaps it is too much to ask that philosophers who are reconstructing society should occupy their minds with these petty details, but it is an extremely valuable exercise of the scientific imagination and has been attempted before only by Schäffle and Gronlund. Mr. Graham, while dwelling on the usual objections urged against the system of common production (such as the loss of energy with the disappearance of the motive of self-interest, the tyranny of a communistic régime, the probable monotony of life where nothing is left to chance or free competition, the blighting influence on art, literature and science of a society organized purely to secure material comfort), makes some very acute observations on what may be termed the purely commercial or mechanical working of the collectivist scheme. He points out, for instance, that the reduction of all labor to the normal working-day standard would require an enormous amount of the most complicated calculation and book-keeping, and that after the normal working-day was established in any one industry, it would have to be changed every time there was a change in productive processes or in the average skill of the workmen. How much easier it would seem to the collectivist officials (if there should be any survival of the red-tape spirit from the present official class) to block all improvements rather than change the system, may be easily conceived.

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The collectivists propose, again, to abolish money and thus remove the evils of speculation and fluctuations in the real value of goods. In place of money laborers will receive labor-checks entitling them to any other commodity representing an equal amount of labor. The laborers can use these as they like, so that the privilege of doing what one likes with one's own will not only be preserved but will be extended to numberless persons who under the present system have no real freedom of enjoyment because they are slaves to the capitalist. Mr. Graham shows that if real freedom is granted to all producers to spend their labor-checks when and for what they like, there will be the same opportunities for accumulation, speculation, cornering of the market, *etc.*, that we have now under money and credit. Suppose that labor-checks accumulate and a sudden demand be then made for one commodity until the whole supply is exhausted; then the government would practically be insolvent, the laborer would not be getting his desired equivalent for his labor and the commodity would be "cornered." If liberty of demand is not allowed, but the government prescribes when and for what the labor-checks are to be expended, then we get to the communistic tyranny which the collectivists have declared avoidable by their scheme. In precisely the same way it can be argued that freedom of occupation, which some socialists have claimed to be perfectly practicable under their scheme, would be utterly impossible in a state which has undertaken to provide at least a minimum subsistence for every citizen. The caprice of individuals might destroy the power of the state to fulfil this promise, and that would be unendurable. In every direction we are thrown back on the necessity of a strong, centralized, absolute administration. And then the question comes: Suppose this administration should be mastered by a few selfish men, would the condition of the world be any better than under the "tyranny" of the present capitalistic class?

I have termed the last part of the book a "concession." The author calls it "practical" state socialism. In it he defends much of the recent legislative activity which has been socialistic in its tendency. It does not concern us here to determine whether his judgment in all cases is wise and correct. But it is an example of the way in which socialism is now met: not as a horrid revolutionary spectre, but as a criticism — perhaps scathing and extreme, but still simply a criticism — of existing social institutions, and a criticism which can be made extremely useful in pointing the way to social reform. We take the best weapon out of the hands of the socialists when, besides showing the absurdity of their proposals in many instances, we sit down and candidly study the "truth in socialism."

RICHMOND MAYO-SMITH.

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The Principles of Rating practically considered. With a complete digest of all the important cases. By EDWARD BOYLE, of the Inner Temple, and GEORGE HUMPHREYS DAVIES, Fellow of the Surveyors' Institution, *etc.*, *etc.* London, Estates Gazette Office, 1890. — 8vo, xxvii, 712 pp.

Urban Rating. Being an Inquiry into the Incidence of Local Taxation in Towns, with special reference to current proposals for change. By CHARLES HENRY SARGANT, of New College, Oxford. London, Longmans, Green & Co., 1890. — 8vo, 162 pp.

Report from the Select Committee on Town Holdings, together with the proceedings of the committee, minutes of evidence and appendix. Communicated from the Commons to the Lords. London, Hansard, 1890. — 4to, 372 pp.

The Local Taxation of Chief Rents. By Professor J. E. C. MUNRO. Publications of the Manchester Statistical Society. London, John Heywood, 1890. — 8vo, 27 pp.

Perhaps no question has been more prominently discussed in England during recent years than the incidence and reform of local taxation. We in the United States have a system which is far from perfect. But it may be confidently affirmed that in so far as purely local taxation is concerned the English conditions are less satisfactory than those of almost any other civilized nation. The English system is a tax on local real estate which has a yearly letting value, assessed to the occupier. It is a tax on annual rents, not on capital value; it does not seek to reach personalty or unproductive realty; it exempts the owner. There is consequently no feature of the whole system of English finance which has aroused more discontent than this.

Boyle and Davies's *Principles of Rating* contains an admirable account of the complicated legal provisions which have grown about the originally simple law providing for the imposition of the poor rate. For all those who desire to obtain the actual facts of English local taxation — exemptions, machinery of assessment, taxation of corporations, procedure, *etc.*, it is an invaluable mine of information, richer in many respects than the standard work of Castle, *A Practical Treatise on the Law of Rating.*

More interesting than the legal aspect is the economic aspect of local taxation. The acknowledged inadequacy of the present system has led to a loud demand for reform. Among the most popular proposals have been those looking to an introduction of the American system of special assessments, and to a division of the rates between owner and occupier, whereby a larger burden may be thrown on the former. The

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advocates of the landholding interests seek to meet this proposition by showing that even under the present system the incidence of the rates is mainly on the owner. The discussion has led to a wordy warfare waged in a host of pamphlets. The most pretentious argument is found in Sargant's *Urban Rating*.

Of the various forms of the real-estate tax in cities, England has known only one, *viz.*, the tax on rental value imposed on the occupier. The English economists have accordingly confined their study of incidence to this particular form, although a general study of the problem would have to include all the other forms, like the tax on the land-owner, the tax on the house-owner, and the real-property tax assessed on the owner. Even in the limited field that he chooses, Mr. Sargant can scarcely be said to have written a scientific treatise. His work is simply a one-sided plea for the landowner, and does not display a great familiarity with the work of the earlier economists in treating the problem. One sample of his biased logic may be given here. Mr. Sargant correctly accepts the distinction between the constant and the variable or differential part of a local rate, — a distinction due to the fact that the rates differ from district to district or parish to parish within the same city. The differential part of the rate represents the excess above the rate uniform in all the districts. The question is of importance because all writers are agreed that only the constant part of the rate will fall on the occupier, while the remainder will tend to be borne by the building-owner, and in certain favorable cases to be shifted by him to the landowner. Now Mr. Sargant seems to make a strong point by maintaining that the differential rate amounts to two-thirds or even to three-quarters of the total local tax. In reality the contention is erroneous, because Mr. Sargant terms "constant rate" only that part of the tax which is uniform throughout the *kingdom*. This is arbitrary and absurd. In speaking of a differential rate we must always compare two houses of equal desirability or in the same neighborhood; for it is manifestly impossible to say how much of the differential rate falls on the structure, and how much on the plot. We must not compare a house in London with a house in a country parish, because it is not a question of competition between them. The rule holds good only within the narrow range of houses subject to the same competition. The problem of incidence of local taxation is not so simple as Mr. Sargant assumes.

Those who wish to see the conflict of opinion on this problem would do well to read the evidence in the latest *Report from the Select Committee on Town Holdings*. Not only Mr. Sargant, but such men as Professor Thorold Rogers, Sir Thomas Farrer and Professor Munro were examined in detail. Perhaps the most valuable and common-sense arguments are those contained in the testimony of Mr. Sidney

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Webb, the well-known member of the Fabian Society. Mr. Webb seems to be better acquainted with the history of the doctrine of incidence than any of the other witnesses, and his account of "economic friction" as qualifying the somewhat absolute conclusions of earlier writers is very suggestive and in line with much of the best recent thought on the subject. But even Mr. Webb is sometimes influenced by "politics," and seeks to make out a stronger case than is warranted for the "poor occupier." Professor Munro speaks especially of the peculiar "chief-rent" system in Manchester, a subject to which he has devoted a special monograph, *The Local Taxation of Chief Rents*. Professor Munro's views are interesting, apart from the value of the facts, chiefly for the reason that he opposes Mill's doctrine of applying the theory of agricultural rent to the rent of building land, and also for the reason that in respect to the ultimate incidence of the rates he supports the conclusions of Mr. Goschen's draft report of 1870.

The incidence of taxation is perhaps the most difficult problem in the whole range of economic science. This short review is intended merely to call attention to the divergence of opinion on a small section of the great problem. For a wider discussion of the problem itself, the student is referred to a monograph by the present writer which will be published shortly. But for all those interested in practical economic questions, the works mentioned in this review will prove helpful and stimulating.

EDWIN R. A. SELIGMAN.

The Relation of Labor to the Law of To-Day. By Dr. LUJO BRENTANO. Translated from the German by PORTER SHERMAN, A.M. New York, G. P. Putnam's Sons, 1891. — viii, 305 pp.

This translation is a most disappointing performance. Professor Brentano has exercised a salutary influence upon educated opinion and public policy both in Germany and in England. His little treatise, *Das Arbeiterverhältniss gemäss dem Heutigen Recht*, contains in a compact form all his main positions, and it would be doing a useful piece of work to introduce it to the American public in a readable form. For books of this kind are especially wanted on this side of the Atlantic. Owing to the peculiar circumstances of the country, the well-to-do classes are twenty years behind their fellows in England in their attitude towards labor combinations. They rarely distinguish between the essential principles of unionism and the acts of violence which sometimes accompany labor disturbances; and, as the translator justly remarks, "trades unions, . . . communism, socialism, anarchism . . . are jumbled together in men's minds without discrimination, and condemned in the lump."

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Brentano's view is perhaps one-sided and exaggerated; he certainly overlooks some difficulties. The historical narrative with which he leads up to modern issues is far too positive for the present state of our knowledge, and includes some more than doubtful hypotheses. But these defects are altogether thrown into the shade by his splendid merits. His strength lies in his sturdy common sense. He does not fly off into the thin air of abstractions, nor alienate by obtrusive sentiment; he rests on the solid ground of observed fact. Trades unions, he shows us, are not mere outbreaks of anarchy; they are an inevitable outcome of modern industrial conditions. Furnishing, as they do, a hope that the position of the masses may be improved without a violent reconstruction of society, they are the best of all arguments against revolutionary teaching, and therefore in the truest sense conservative. And only upon the basis of labor organizations can arbitration — wherein we are beginning to see a way out of some of our troubles — be successfully attempted.

Unfortunately the translation will hardly help these views towards general acceptance. It is most imperfectly accomplished. Not that there are many absolute mistakes; but it is involved, awkward and frequently almost unintelligible. Some general acquaintance with Professor Brentano's works and with German phraseology, makes it possible for me, by reading slowly and disentangling the more complex sentences, to guess what the author may mean. The average employer of labor, unversed in German, will, I fear, give up the attempt after a very few pages. A translator's duty is to render the thought as well as the words of his author: he ought not only to satisfy himself as to the meaning, but also to think it over again in English before he lays it before English readers.

W. J. Ashley.

The Eight-Hour Day. By Sidney Webb, LL.B., and Harold Cox, B.A. New York, A. Lovell & Co.; London, Walter Scott. — vi, 280 pp.

This book has the peculiar merit of discussing the right question at the right time. Besides being eminently practicable, the demand for an eight-hour day is now the most prominent feature of the labor movement throughout Christendom. On all other topics labor organizations differ widely according to the political institutions and economic conditions of their respective countries, yet they all unite in demanding shorter hours of labor, because the great body of laborers, who always want something definite and practicable, really demand it. Consequently, in order to enlist the masses in their movement, social reformers of all

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shades, from revolutionary socialists to conservative trade-unionists, now give the eight-hour question a prominent place in their platform. Even the Royal Labor Conference in Germany felt the necessity of making shorter hours a subject of special consideration.

Hitherto the eight-hour question has received scant attention from economic writers. Economists have generally regarded it as likely to involve meddlesome interference with private affairs, which could result only in injury to both capitalists and laborers. And idealists have regarded it simply as a palliative for the evils of a vicious industrial system which should be overthrown, and have feared that the benefits it might afford would only help to postpone the great revolution which is to bring the social millennium. So it has been left to the laborers themselves to demonstrate the feasibility and importance of a shorter working day, by forcing it into use, regardless of the adverse opinion of economists and the opposition of capitalists. And that is what has been persistently done for more than half a century. The shortening process began in the first decade of this century with the textile industries of England, and then gradually extended to all mechanical employments, while from England the idea has gone forth to America, to Australia, and finally to nearly every country in continental Europe.

The demand for an international eight-hour day is not the result of a sudden impulse or the dream of a social utopian, but it is the outcome of a long series of successful experiments, which in one form or other have been tried in every manufacturing country in Christendom. Therefore, to furnish a history of these experiments in different countries in a cheap and readable form, is to make an important contribution to economic literature, as well as to render invaluable aid to the true labor movement. This service has been actually performed by Messrs. Webb and Cox in the little volume before us. By far the best part of the book is its presentation of facts. Within two hundred and eighty pages our authors have presented the history of the short-hour experiments in different countries. And it makes an irresistible demonstration that the laborers have been right in pushing, and the capitalists and statesmen wrong in opposing, the short-hour movement. As a budget of facts, many of which are drawn from original sources and are published for the first time, the book is invaluable, and it should be read by every laborer.

In the theoretic discussion of the subject, however, our authors reveal the socialistic background of their thinking. Like most socialists, they deem it necessary, in order to justify a demand for present improvement, to show that laborers are worse off now than "in the good old times," and to represent them as asking, not for something new, but only for the restoration of advantages of which they have been robbed

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by modern capitalists. This argument rests upon very doubtful data. It is based upon Thorold Rogers's assertion that the fifteenth century was "the golden age of the English laborer,"—which is largely rhetoric. His statement that "it is plain that the day was one of eight hours" is only an inference, unsupported by any definite evidence. Of course in that period, when the laborers' working time was limited to daylight, they could not work twelve or fourteen hours, except in certain seasons of the year. In winter, it would hardly be possible for them to work more than eight hours a day; but that is equally true still of all out-door laborers. Why not cite Patagonia, where the natives frequently work less than four hours a day? To talk of an era in which laborers lived in windowless huts, with floors of earth and mere rough benches for furniture, as a "golden age" in comparison with the present, is like saying that tallow candles and stage-coaches are superior to electric lights and railroads. Such straining after mediæval example injures rather than helps the cause. Granting that the mediæval laborer, like his savage prototype, did not (in winter) work more than eight hours a day, this does not support Rogers's statement that "the artisan who is demanding at this time an eight-hour day in the building trades is simply striving to recover what his ancestor worked by four or five centuries ago." The present demand for an eight-hour day is not an effort to recover anything the fifteenth century laborer enjoyed; any more than the effort to increase the security of personal freedom is an endeavor to "recover" the liberty Indians enjoyed. The short day of the middle ages was the involuntary consequence of a crude undifferentiated social life, and existed just as much for Roman slaves in the first century as for English laborers in the fifteenth. Whereas the short-hour movement of to-day is the result of a highly developed social life, and means opportunity for laborers to increase their control over their own industrial, social and political environment. Indeed, the short working days in the two periods have economically nothing in common. The former represents the leaden age of barbarism; the latter the golden age of civilization.

If it were true that the laborers once had a "golden age" and lost it, this would be an argument against helping them to regain it; for if they were unable to keep an advantage they once had, they might lose it if it were given to them now. But if, on the other hand, the laborers as a class have tenaciously held every step of improvement they have gained, as is undoubtedly the case, then there is the strongest incentive for efforts toward further advance. If an eight-hour day is desirable at all, it is desirable because it would produce good economic and social results in the present state of society, and not because laborers were unable to work after sundown in the reign of Edward IV.

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In the chapter discussing "How an Eight-Hour Day can be Obtained" our authors insist upon legislation as the only effective means. They endeavor to show not only that trade-unions are an ineffectual method for reducing the hours of labor, but that they are highly objectionable on economic and social grounds; and here Messrs. Webb and Cox drop into a rather hackneyed line of talk about the evils of strikes, the loss to the laborer and the community, the starvation of strikers, *etc.*, and in the course of their remarks assert that

> trade-union action is in fact anti-social in proportion as it is powerful, and endurable only when it is not effective. On these grounds we suggest that trade-union action is an objectionable method of obtaining the eight-hour day, even in cases where it might possibly prove successful.

This is an unjustifiable attack upon trade-union efforts, and shows the narrowing influence which too much zeal for *a priori* socialism is liable to engender. There is, indeed, much truth in the contention that the establishment of short hours by law secures the support of the legal machinery and much of the moral sentiment of the community, and makes those who resist it law-breakers, with whom the machinery of society, and not merely organized laborers, have to deal. But, on the other hand, the very activity on the part of labor organizations to maintain their position has often produced an educational force worth as much to the laborers as what they have been struggling to maintain. Moreover, in many countries the hours of labor have been reduced more by the efforts of trade-unions than by legislation. Such certainly has been the case in Australia and in the United States. And even where legislation has been adopted, it is usually the result of work previously done by trade-unions, and its efficiency depends in a very large measure upon the support of the public opinion which these organizations stimulate or create. It is incorrect, then, to say that "trade-union action is, in fact, anti-social in proportion as it is powerful, and endurable only when it is not effective." On the contrary, trade-unions are eminently social institutions, without which the very legislation which Messrs. Webb and Cox desire would be ineffective and frequently unattainable.

Although one cannot help regarding as a serious defect in the theoretical part of the book the tendency to idealize the middle ages and to belittle the wholesome social effects of trade-unions, this is far from constituting the chief feature of the work. As I said at the outset, it is mainly a budget of facts regarding the short-hour movement, excellently arranged and tersely presented, and as such, it is a real contribution to the literature of the labor movement.

GEORGE GUNTON.

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The Monetary Question. By G. M. BOISSEVAIN. Translated by G. TOWNSEND WARNER. London, Macmillan & Co., 1891. — 8vo, 152 pp.

Le Problème Monétaire et sa Solution. Par G. M. BOISSEVAIN, Mémoire qui a remporté le premier prix au concours bimetallique. Paris, Guillaumin et Cie, 1891. — 8vo, 138 pp.

La Monnaie et le Bimetallisme International. Par ÉMILE DE LAVELEYE. Paris, Félix Alcan, 1891. — 8vo, xviii, 347 pp.

The Industrial Competition of Asia. An Inquiry into the Influence of Currency on the Commerce of the Empire in the East. By CLERMONT J. DANIELL. London, Kegan Paul, Trench, Trübner & Co., 1889. — 8vo, 387 pp.

The object of M. Boissevain's prize-essay, which comes to us in both French and English, is to paint in strong colors the advantages of bimetallism and to answer all objections to the system. On the question of theory he says: "Bimetallists in no way claim that law creates the value of the money metals, and can in consequence establish a fixed ratio between them" (page 9); and he says, further, that the "ratio of value . . . is simply the result of the forces of supply and demand." Then he goes on to argue that "the use of the precious metals *for money* has so preponderating an influence on the demand for them in general, that practically it is this demand which settles their ratio of value to other commodities." Now this may all be true, and yet the theory of bimetallism may still be imperfect. His argument — especially as shown by the quotation (page 11) from M. Mees — proceeds on the assumption that, so far as its use as money goes, silver has exactly the same utility as gold. Just here is the weakness of the bimetallic theory. Nothing can be clearer than that silver has not had, and does not have, the *same* "utility" as gold for all the purposes of money. The two metals differ in weight per unit of value; their production has varied independently of each other; and their sources of supply are in general not the same. In settlement of large transactions silver is by nature admittedly inferior to gold; and in fact silver has twice in recent years (once in 1876 and again in 1890), within the short period of a few months, varied in value *relatively to commodities in general* about twenty-five per cent. In the face of these well-known facts it is obviously impossible to reason about silver as if it had exactly the same qualities as gold, and would be affected in exactly the same way by monetary legislation. Gold and silver are two distinct commodities, and no amount of talk can change that fact.

In many other points, also, the logic of the essay is defective. Of

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these it will be necessary to give only a few instances, beginning with the author's explanation of the fall in the value of silver since 1873, which, as is usual, he ascribes to the action of Germany. But if the forces of supply and demand so effectually govern the value of silver, as M. Boissevain properly maintains, then why ignore the influence of the abnormal supply of gold since 1850? This production of nearly $5,000,000,000 in forty years, or more than one and one-half times the entire production of the 357 years preceding 1850, is a tremendous fact, having corresponding consequences. Since this supply of gold made it possible for several countries to supplant silver with gold, it is more than sufficient to account for the decline in the value of silver. That decline is indeed the result of a change in the forces of supply and demand, but one whose origin is outside the field of legislation. There is no basis in either rhyme or reason for the author's remark about the "smaller supply of new gold" (page 25).

Again, he admits the fundamental difficulty with the compensatory theory when he says: "Rich countries would never be willing to give up the use of gold altogether" (page 26). But if so, how can the compensatory theory work? The theory demands a change from the dearer to the cheaper metal, so that the increased demand shall raise the value of the cheaper metal; this can be effected only by using the cheaper metal as the standard of prices. Yet, if rich countries — supposedly England and Germany — will never submit to this process, then the purely visionary and abstract character of the argument is at once apparent. Another error exists in the reasoning (page 50) that Gresham's law would not work under a system of international bimetallism. Having strongly urged that bimetallism will furnish a more stable standard of value through the operation of the compensatory theory, M. Boissevain overlooks the fact that the compensatory theory cannot operate except by the action of Gresham's law. The argument is, to say the least, illogical. Again, on the point that the operation of the compensatory theory would work to lower the standard of value ultimately, the author completely "dodges the issue" (page 36 *et seq.*); nor does he answer the question whether France from 1803 to 1850 was able to keep both gold and silver in concurrent circulation. His statements, also, as to the supply of gold (page 83) and the contraction of money are incorrect. In his treatment of wages and prices (page 91) he falls into grave economic errors; he ought to know that low prices in themselves are not, as he states, the necessary causes of poverty. On the whole the essay must be regarded as a weak presentation of the arguments for bimetallism.

A much better summary of these arguments is to be found in M. Laveleye's last volume. Although an *ex parte* statement, it is to be rated far above the work of M. Boissevain, and it presents a very considerable

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mass of materials. The first five chapters are devoted to the subject of money in general; the next nine, to the abstract theory of bimetallism; the following ten, to matters of fact; the succeeding twenty-five, to the arguments in favor of bimetallism; and the last fifteen treat of the objections urged against bimetallism. There are a number of charts, including one showing the movement of prices and another the production of the precious metals. In the former is to be seen — what all students must have noticed before — the general correspondence between the movement of the Hamburg prices of Dr. Soetbeer and that of the English prices of Mr. Sourbeck. In the latter chart, the prominence of the great production of gold is so insistent that it is difficult not to see in it the cause of the fall in the value of silver.

On the question, avoided by M. Boissevain, whether France really had both gold and silver in circulation after 1803, M. Laveleye says: "Sans doute en France l'agent metallique de la circulation a été principalement l'argent de 1803 à 1853, et principalement l'or de 1850 à 1870" (page 174). In this connection, however, it should be said that the author is not justified in designating the law of 1803 as the "loi bimetallique de l'an XI." How can a law be bimetallic which explicitly decrees (under "general dispositions"): "Five grammes of silver, nine-tenths fine, *constitute the monetary unit*, which retains the name of franc"? Gold, not being made a legal unit, was simply permitted to be coined under the usual regulations as to weight, tolerance, *etc.* Again, it is impossible to follow M. Laveleye's reasoning based on the necessary connection between the amount of coinage at the mint and the amount of the metal in circulation.

Against the theory of bimetallism Mr. Daniell presents an elaborate argument, which is, however, only introductory to the essential purpose of his book, to advocate a gold standard for India. Of course, this proposal aims mainly to solve the Indian financial problem. The essential difficulties of Indian finance are not far to seek. Their revenues have been, and are, paid in silver, while their obligations are payable in gold; and the fall in the value of silver diminishes income as compared with outgo. More silver rupees than before are needed to meet expenses, and so more taxation becomes necessary. Were a gold currency introduced into India, in Mr. Daniell's opinion the same money units would be received for taxes without increasing the burdens on the people. Does this not assume that prices in India would remain exactly the same as now, even after a more valuable gold unit supplanted a cheaper silver unit? Would it not amount to the same thing whether an increased number of silver rupees is taken in taxes, or such a quantity of gold as would equal in value that increased number of rupees? If it is an increased burden on the people to demand more

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silver, why is it not equally an increased burden to demand a more valuable money in the form of gold? The taxpayers must pay more in commodities, certainly, for the dearer metal before they could get it to pay to the state. The scheme in short does not seem to be very practicable.

The volume contains many interesting facts, of which the case of the copper coins in India is worth quoting:

> There exists in British territories in India a token currency of copper issued by the state which, according to the variations of the value of copper metal in the market, is rated at a more or less arbitrary valuation in the rupee currency. About ten or fifteen years ago, when copper was worth £90 a ton, token copper money to the nominal value of 100 rs. would be worth at the market 37 rs. The same quantity of coin, allowing for the fall in the gold value both of copper and rupees, is now worth perhaps 27 or 28 rs. The government copper currency is therefore driven almost entirely out of circulation, and the people use instead a currency of coins made of rough lumps of copper, some square, some round, rudely fashioned and stamped with a few characters, which the mints of some of the native states or perhaps private speculators supply. [Page 191.]

J. LAURENCE LAUGHLIN.

The Principles of State Interference. By DAVID G. RITCHIE, M.A. London, Swan Sonnenschein & Co., 1891. — vi, 172 pp.

In this recension of four essays previously published in periodicals, Mr. Ritchie makes another advance in the course which will ultimately, it is to be hoped, lead to a constructive philosophy of the state. His work thus far is mainly destructive. He appreciates the fact that since Locke, or perhaps since Hobbes, English thought has presented no systematic theory of politics. A great mass of disconnected ideas, of every conceivable degree of value, has covered the ground; and this mass must be cleared away before a well-proportioned structure can be erected. In these later days Mr. Herbert Spencer has undertaken to extend his imposing universal philosophy over the field of politics. He used for the new wing, however, only the old lumber of *laissez faire*, connecting it with the main structure by analogy and metaphor. Mr. Ritchie now shows that the lumber is rotten and the connection unreal.

The first two essays in the work are devoted to Mr. Spencer. The author finds little difficulty in revealing the weak points of the philosopher's system. The conception of society as an organism lends itself admirably to the biological line of thought. But the corollary of this conception — that individuals, as parts of the organism, live only in and through it — comes violently in contact with Mr. Spencer's notions of individualism and *laissez faire*. The philosopher's futile efforts to escape the dilemma,

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by varying his views of equivalents in the social and animal organisms, are well exposed in the first essay. It must be said, however, that Mr. Ritchie's general tone in reference to his adversary is unnecessarily contemptuous and contributes little strength to his criticism. In the second essay, "The State *versus* Mr. Herbert Spencer," Mr. Ritchie considers in more detail the philosopher's attacks on governmental activity, and in the course of his criticism reveals quite clearly the lines on which his positive system will be constructed. He will profit by the teachings of the Greek and the German philosophers, and will find in the conception of the state as an organism not a barren field for the parade of biological analogies, but a prolific source of practical principles making for the perfect development of both individuals and society.

In the third essay Mr. Ritchie takes up certain points in John Stuart Mill's celebrated treatise on *Liberty*, and while conceding the great practical value of much of that work, undertakes to show some consequences of the fundamental error in "looking on government as a power whose influence is necessarily antagonistic to individual freedom." Mr. Mill has made a noble argument for the expediency of leaving a wide realm of activity free for the absolute autonomy of the individual will. All that Mr. Ritchie's criticism assails is the presumption, tacit rather than express, that there can be determined *a priori* "a definite sphere within which an individual's actions are merely self-regarding." He would maintain, on the contrary, that the possibility of conceiving such a sphere is at the best doubtful, and that while

> there is a sphere of individual action into which we have come or are coming to see that other individuals ought not in a well-regulated society to intrude, this sphere is not, however, something fixed and known beforehand, but an ideal differing at different times, always more or less vague, and to be permanently secured only by the help of a strong and vigorous and enlightened state.

On the basis of this principle, Mr. Ritchie discusses its application to some of the leading practical questions of the day. This third essay is an exceedingly suggestive contribution to political science. It is followed by a paper on the "Political Philosophy of Thomas Hill Green," in which Mr. Ritchie finds the outlines of a system with which he is much in sympathy, a system in which the social element in human nature is assigned its due weight, and in which true liberty is to be realized only through the state, and not in antagonism to it.

In an appendix, Mr. Ritchie examines briefly more particular points, among them the question of sovereignty. With an extract from Locke as a text, he outlines his own doctrine on this troublesome point. His theory summarily distinguishes three senses in which the term is used:

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(1) the nominal sovereign, *e.g.* the Queen of England; (2) the legal sovereign, *i.e.* the authority by whose decrees the courts must abide; and (3) the political sovereign — which he identifies with Rousseau's *volonté générale*. This analysis is satisfactory, though the expediency of encumbering science with a "nominal sovereign," in which the attribute of "will" is absent, is doubtful. In illustrating his theory, however, Mr. Ritchie seems to stumble, as so many have done before him, when he gets to the United States. He finds the "legal sovereign" here to be "the written constitution itself, which, as it provides for the method of its own amendment, and even limits the extent to which it can be amended (art. 5), is *legally* supreme over the determinate persons whom it entrusts with the power of amending it." There is here a most surprising confusion of thought. The thing willed is put for that which wills it. Mr. Ritchie names Parliament as the legal sovereign in England; but, on the principle he applies to the United States, he should have said not Parliament, but the acts of Parliament. He is evidently troubled by the prohibition upon the amending body in the United States to make certain amendments, and hence concludes that that body is not the legal sovereign. But surely, in case of an amendment making representation in the Senate unequal, the American "lawyer *qua* lawyer" would be in a position differing in no essential point from that of the English "lawyer *qua* lawyer" at the time of the Septennial Act. The courts of the United States offer no more opportunity for an appeal from the action of a convention violating the written constitution than did the English courts for an appeal from a Parliament violating the unwritten constitution.

Mr. Ritchie's appendix makes curious reading when compared with his text. In the latter he says (page 68): "In countries where a distinction is made between constituent and legislative assemblies, the [legal] sovereign is that body, whatever it may be, which can alter the constitution." The United States is certainly a country where such a distinction is made. Combining the doctrine of the appendix with that of the text, we find that the constitution of the United States is a body which can alter itself. Again, it is said in the text (page 68): "The legal sovereign must be definite." It appears from the context that "definite" here means Austin's "determinate body of persons." But in the appendix we read: "Thus the legal sovereign is not necessarily everywhere a determinate body of persons."

Mr. Ritchie has done a good work in the field of political science. He reveals in his book the elements of a sound theory of the state. In due time we may confidently expect the crystallization of his ideas on sovereignty, which now seem to be in a state of flux.

WM. A. DUNNING.

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Dictionary of Political Economy. Edited by R. H. INGLIS PALGRAVE, F.R.S. First Part. London and New York, Macmillan & Co., 1891. — 8vo, 128 pp.

The first instalment of this long-announced publication has finally appeared. France, Germany and Italy have for many years had their dictionaries and encyclopædias of political economy, but in England there has never been a similar work, with the exception of the rather unsuccessful effort of Mr. Macleod many years ago. The amiable editor of the present undertaking, Mr. Inglis Palgrave, is well known to economic students as the author of several works on banking and local finance, and he has spared neither time nor money in his efforts to collect articles from representative writers abroad as well as in Great Britain. Accordingly we find in the list of contributors not only all the well-known names of contemporary English economists, but also a goodly number from the United States and a few from the continental countries of Europe. The editor himself has been of indefatigable industry. Several of the chief articles in the present instalment — like that on Banking — as well as many of the bibliographical notices are from his pen.

To judge from the part thus far published, the dictionary will pay less attention to the more recondite problems of pure economic theory than to the discussion of practical questions and the history and present state of economic phenomena. The articles are with few exceptions very brief, but they will be none the less welcome on that account. They all have the merit of being brought down to date, and most of them contain short bibliographies. Only a few errors have been noted, as *e.g.* when an article by the present reviewer is noted on page 4 as appearing in the "*Journal of Political Science*," instead of in the POLITICAL SCIENCE QUARTERLY. The dictionary will be published in about twelve or fourteen parts of 128 pages each, to appear at intervals of three months. The whole work seems to be thoroughly unpartisan and scientific. It will undoubtedly fill a conspicuous gap in English economic literature.

E. R. A. S.

Revue Sociale et Politique, Publiée par la Société des Études Sociales et Politiques. Bruxelles, Au Siège de la Société, 1891. Volume I, Numbers 1–5.

Still another quarterly devoted to political science has just been undertaken, this time in Belgium. In 1862, at the instigation of Lord Brougham in England, and of Michel Chevalier and Garnier Pagés in France, an "International Association for the Progress of the Social

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Sciences" was founded in Belgium. Four meetings were held, at Brussels, Ghent, Amsterdam and Bern, from 1862 to 1865. But owing to the international political complications of 1866 no further meeting took place and the society practically died. It was with a view to resurrect the old association that a few of the surviving members decided to found in 1890 the "Society of Social and Political Studies," whose object is simply to investigate and discuss. It has no dogma or doctrines to propagate, save those of scientific investigation.

The first number of the new review, which is edited by the secretary of the association, M. Auguste Couvreur, formerly vice-president of the Belgian House of Deputies, contains a history of the old association and the plans of the new. The president of the association is Senator Montefiore Levi, and among the few foreign members are Professors Westlake of Cambridge and Wirth of Vienna.

The contents of the first five numbers concern themselves chiefly with questions of social reform in the various European states; although one whole number is devoted to the question of constitutional revision in Belgium. But the association has divided its proposed studies into five sections, and hopes in the future to pay attention to them all. These are (1) Corporative Legislation, (2) Criminology, (3) Education, (4) Hygiene and Public Assistance, (5) Political and Social Economy. The *Revue* also proposes to make a feature of the reviews of new books and of special bibliographies of selected topics. To Americans the publication will be interesting as containing much valuable information on the social condition and institutions of Belgium and the Netherlands, to which but scanty attention has hitherto been paid in the scientific publications of other countries.

E. R. A. S.

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RECORD OF POLITICAL EVENTS.

[From May 1 to November 1, 1891.]

I. THE UNITED STATES.

1. National Affairs.

FOREIGN RELATIONS. — The Behring Sea negotiations, without completing the arrangements for arbitration that seemed so near at hand at the close of the last RECORD, turned in May almost entirely to the attainment of a *modus vivendi* under which to avoid conflicts during the season then beginning. Upon the suggestion of the United States, a basis of the *modus vivendi* was found in the proposition that the killing of seals, both on land and on sea, should be suspended by both nations during the summer of 1891. The nearness of the opening of the season, and the danger of trouble at the fisheries if some agreement were not quickly reached, caused unusual celerity in the movement of diplomacy, and by the middle of June a conclusion was reached. The United States secured a modification of the fundamental proposition to the extent of a provision that 7500 seals might be taken by the commercial company which holds the sealing monopoly. These were to compensate the company for the maintenance of the people living on the seal islands, whom the company is bound by its lease to support. On the other hand, Great Britain only agreed to the arrangement on an express understanding that the main questions at issue should be promptly submitted to arbitration. The *modus vivendi* was made public by proclamation June 15. Its substance was as follows: Both governments prohibited sealing in the waters of Behring Sea east of the line of demarcation between Russia and Alaska, and the United States prohibited it on the shores and islands of her possessions, except as to the 7500 mentioned above. Offenders in the waters mentioned might be seized by naval or revenue officers of either power, but could be tried only in the courts of the government to which the accused owed allegiance. The United States agreed to permit British commissioners to visit or remain upon the islands to study seal life during the season. The British Parliament by act of June 11 gave the government authority to enforce the required prohibition. In accordance with the terms of the *modus vivendi* the sealing grounds in Behring Sea were very thoroughly patrolled by both British and American government vessels and large numbers of sealers, principally Canadian, were either driven off or seized. The companies in British Columbia whose business was thus ruined have petitioned the Crown for compensation, and on the other hand, the North American Commercial Company, which holds the monopoly from the United States government, has brought a claim against the United States for the loss sustained through being compelled to cease taking skins July 20. At the close of the season

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the British minister, Sir Julian Pauncefote, called the attention of the President to the fact that the company had taken skins far in excess of the 7500 allowed by the *modus vivendi*. Both British and American commissioners made extensive investigations of seal life during the summer, to obtain facts for use in the arbitration proceedings. — **Relations with Chili** throughout the period under review have been of an unsatisfactory nature. The duty of the United States as a neutral in respect to the civil war was brought into prominence by **the case of the steamer Itata.** This vessel, the property of the Congressional party, was seized by a United States marshal May 5, in the port of San Diego, California, on the representation of the Chilian minister that she was about to take a supply of arms and ammunition to the insurgents. The next day the Itata, with the deputy marshal aboard, put to sea, took from a schooner that awaited her outside a cargo of rifles and cartridges, and sailed for Chili. Our naval commanders on the Pacific coast were immediately directed to search for the steamer, but she reached Iquique in safety June 4. There, however, she was promptly turned over with cargo intact to the American men-of-war which awaited her, and soon after was escorted back to San Diego to submit to the action of the court. Meanwhile, the schooner which had delivered the contraband articles was also seized and her officers and crew were put under arrest. Both vessels were ultimately released by the court, on the ground that no violation of neutrality was proved. In the case of the Itata an appeal was taken by the government. With the triumph of the Congressional party in September, popular dislike of the United States, both on account of the Itata matter and through reports that Minister Egan had favored the cause of Balmaceda, and that United States war vessels had carried intelligence of insurgent movements to their adversaries, manifested itself in numerous ways. The provisional government declined to give safe-conduct to refugees who found asylum with the minister, and kept his residence under so strict surveillance as to elicit formal remonstrance from Washington. On the 16th of October an affray in the streets of Valparaiso between the populace and seamen from the United States cruiser Baltimore, resulted in the death of two sailors and the wounding of many others. The vessel's commander, after investigation, reported that the sailors were unarmed and gave no provocation for an attack, that the Chilians were armed and greatly superior in numbers, and that certain facts indicated the participation of the police in the assault on the Americans. A week later, no expression of regret or of a purpose to investigate having been offered by Chili, a formal demand was made for an explanation of such a manifestation of unfriendliness to the United States, with the intimation that if no qualifying facts were forthcoming, full reparation would be expected. The reply of the provisional government declined to recognize the competence of any but Chilian authorities to judge criminal cases in Chilian territory, but declared that a judicial investigation (secret under the Chilian law) was in progress. Until the time arrived to disclose the result of this proceeding, it could not be admitted that either the affair in Valparaiso or the silence of the government was an expression of unfriendliness towards the United States. At the close of this RECORD the outlook for a peaceable and satisfactory settlement of the matter is considered very good. — The privileges of copyright in

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the United States, under the provisions of **the International Copyright Act** of the last session of Congress, were by proclamation of the President, July 1, extended to citizens of Belgium, France, Great Britain and the British possessions, and Switzerland, on official assurance that in those countries citizens of the United States enjoyed the benefit of copyright on substantially the same basis as their own citizens. — The efforts of the State Department to terminate **the exclusion of American pork** from European countries have met with considerable success. Germany, on September 3, withdrew the prohibition on hog products absolutely and that on live swine under some conditions guaranteeing healthfulness. Denmark revoked its prohibition September 8. Italy followed Germany, October 21, as to hog products, but persisted in excluding the live animals. The situation in France is described below (page 778). It is the system of inspection at the port of exportation, as recently established under act of Congress, that has been most effective in bringing about the change of policy.

INTERNAL ADMINISTRATION. — An extension of four and a half per cent bonds falling due in September was resolved upon by the Secretary of the Treasury in June, after consultation with various banking and financial interests. By circular of July 2, holders of these bonds were offered the privilege of having them continued at two per cent, provided they were presented before September 2. On the latter date the time for presentation was extended to September 30. Of the $50,869,200 outstanding at the time the offer was made, $25,364,500 complied with its terms, and the redemption of the remainder proceeded with little strain upon the Treasury's gold balance. At the end of October about $4,500,000 of the bonds remained outstanding. — **A new form of Treasury statement** was adopted in the issue for the month of June. It contains a summary of both the public debt and the cash balances, but separately stated and with a rearrangement of items on what appears to the Secretary a more logical plan. He includes the $100,000,000 of gold constituting the greenback reserve in the general "gold coin" item, and gives up the custom of deducting from the cash balance the amount on deposit in the national banks or the fractional currency on hand. — **A commission on immigration** was appointed by the Secretary of the Treasury in May, whose duty was to proceed to the countries of Europe from which immigrants mainly come, and report upon the various phases of the immigration question as presented there, especially investigating the extent to which governmental or private organizations are encouraging or aiding the deportation to the United States of paupers, criminals and other defective classes. A report is expected by the opening of the next Congress. — The Postmaster-General issued on July 15 his advertisement for proposals for **foreign mail service** under the Postal Subsidy Act of the last session (see last RECORD, page 381). A large number of routes were submitted to competition, from Atlantic, Gulf and Pacific ports. The proposals were opened October 26, and disclosed twelve bids on eleven different routes. On four of these the bids, if accepted, will establish entirely new service, *viz.* Boston to Liverpool, New York to Buenos Ayres, New Orleans to Colon, and Galveston to Laguayra, Venezuela. The result of the advertisement is not altogether satisfactory, and new proposals will probably be asked for. — Mr. Roosevelt, of

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the Civil Service Commission, submitted to the President, August 17, an elaborate report of an investigation into the **relations of federal office-holders to primary elections** in Baltimore. The commissioner found what he considered a very deplorable state of affairs to exist there, the employees of the post-office and the United States marshal's office holding and using their positions solely with reference to the exigencies of ward politics. No attempt was made to conceal the most cynical disregard of the laws about interference in the primaries and assessments for political purposes. He recommended that a number of officers be dismissed from the service. — **Appointments to office**: Minister to Hayti, John S. Durham of Kentucky; Minister to Nicaragua, Costa Rica and San Salvador, Richard C. Shannon, of New York.

THE CURRENCY. — **The operation of the last coinage act** and the Treasury construction thereof were stated by Secretary Foster, in a letter made public October 12, substantially as follows: Since July 1, 1891, the coinage of silver dollars from bullion purchased under the act has practically ceased; for no treasury notes are being presented for redemption in silver dollars. The mints are coining only the bullion resulting from the redemption of trade dollars and from the subsidiary silver coins in the treasury. The treasury notes being redeemable in either gold or silver coin, at the discretion of the Secretary of the Treasury, the provision that these two metals shall be maintained at parity "is a virtual promise that the notes shall always be redeemed in gold or its exact equivalent. . . . In addition to being redeemable in gold or silver coin, at the discretion of the Secretary of the Treasury, and practically under the pledge to maintain the two metals at parity in gold, the treasury notes have behind each dollar practically a gold dollar's worth of silver bullion, while the present silver certificate is a promise to return to the bearer a silver dollar. Treasury notes are redeemed in gold when so presented for redemption at the Treasury or any Assistant Treasury of the United States."

RECIPROCITY AND THE TARIFF. — The negotiations under the reciprocity clause of the last tariff act have continued with some success. A treaty with Spain affecting **Cuba and Porto Rico** was proclaimed July 31. "In reciprocity and compensation for the admission into the United States," free of all duties, of sugars, molasses, coffee and hides, the Spanish government grants two schedules, one provisional, to last till July 1, 1892, and the other definitive, to go into effect after that date. The provisional schedule gives free entry to a few manufactured articles and to a number of agricultural and other natural products of the United States, such as salt meats, lard, oats, barley, rye, wheat, cotton seed, hay, fruit, vegetables and petroleum, with reduced duties on corn and wheat; the definitive schedule extends the free list to include many manufactures, and accords reduced rates on a large number of articles. The postponement of the permanent schedule until 1892 was due to the fact that treaties with other governments containing the "most-favored-nation clause" will not expire till then. — A treaty of similar character with **San Domingo** was proclaimed by the President, August 1, and was supplemented, August 8, by a decree of the Dominican government abolishing its free list for all nations but the United States, and increasing very

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much the regular schedule rates on a number of articles on which the United States is by the treaty entitled to a reduction. — The reciprocity policy met with **failure in Venezuela**. A committee of the Congress of that republic reported against negotiating a treaty on the terms proposed by the United States. The ground of their conclusion was chiefly that the proposed agreement would result in a serious deficit in the revenues of Venezuela, without compensating advantage to her producers. — The resumption of negotiations with **Canada**, which had been appointed for October 12, was indefinitely postponed by President Harrison, on the ground that Secretary Blaine's health was too poor to permit of his entering upon the matter. It is understood that the Dominion government is especially eager for an arrangement, owing to the vigorous attacks of the Liberals on the commercial policy of the ministry and its weakened position since the last election and the death of Sir John Macdonald. — Negotiations with **Germany** have been for some time in progress, looking to more favorable terms of admission for our cereals in return for the placing of beet sugar on the free list in the McKinley Act, and **Mexico** appointed a plenipotentiary, August 31, to negotiate reciprocity at Washington. — The Commissioner of Internal Revenue published in July a statement of the probable production of sugar in the United States during the current fiscal year, and estimated that the **amount of the sugar bounty** under the tariff act would be about $11,000,000. — A further and probably final stage has been reached in the long-standing difficulty about **the duty on hat trimmings**. Under the decision of the Supreme Court against the Treasury ruling (see RECORD for June, 1890, page 361), a reliquidation of duties was begun, but the claims for refunds became so enormous that the process was suspended in December, 1890, and the government took the matter again to the courts. Again the decisions were generally in favor of the importers, and accordingly in September an order was issued by the Secretary of the Treasury to resume the reliquidation.

THE FEDERAL JUDICIARY. — Important decisions by the Supreme Court have been as follows: May 11, the Pullman's Palace-Car Company *vs.* Pennsylvania: Held, that a tax on the property of a foreign car corporation, assessed on such part of its capital stock as corresponds to the proportion which the number of miles of road within the state over which the company's cars run bears to the total number of miles in the United States over which they run, is not a regulation of interstate commerce, and is therefore not unconstitutional. At the same time the court sustained the validity of the Massachusetts law taxing foreign corporations on their property situated within the state. May 25, Wilkerson *vs.* Rahrer: Held, that the original Package Act passed by the last Congress (*cf.* RECORD for December, 1890, page 737) is a valid regulation of interstate commerce, and that from the time it went into effect all existing state statutes affecting the trade in imported liquors became operative immediately without re-enactment. The decision of the lower court to the contrary was reversed. On the same date opinions were rendered declaring invalid, as infringements of the interstate commerce clause of the constitution, two state laws; *viz.*, that of Kentucky imposing a license tax on foreign express companies, and that of Virginia requiring inspection fees on flour manufactured without the state, when sold within the state.

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Two cases also were decided in which the court held that a judge of a territorial court is subject absolutely to removal by the President, and therefore is not entitled to salary after the order of removal is issued. — The circuit court for Tennessee decided in August that the imprisonment of a man for ploughing on Sunday, though not in the court's opinion warranted by the law of the state, afforded no ground for the interference of the United States courts under that clause of the fourteenth amendment which forbids a state to deprive a citizen of the United States of his liberty without due process of law. The case has been taken to the Supreme Court. In Texas the law prohibiting aliens to hold land has been decided unconstitutional by the federal district court, and this case also has been appealed.

THE MORMONS. — A further advance in the process of readjusting political relations in Utah was manifested by the announcement in June that the "People's Party," the old Mormon political organization, was dissolved, and that for the future the former leaders and members of that organization desired that the politics of the territory should be conducted on the same party lines as in the other territories and the states. This step was taken in view of the approaching territorial election. It was suspected by many that the dissolution was only a ruse to break the strength of the opposition. Accordingly, while Democratic and Republican Parties were organized, the Liberal or anti-Mormon Party preserved its organization and made separate nominations. The elections in August resulted in a victory for the Democrats by a small plurality over the Liberals. — In its report to the Secretary of the Interior the Utah Commission intimates some doubt as to the sincerity of the action taken by the Mormon Party, but considers that at all events good results will ultimately come from it. As to polygamy, the commission reports for the year ending September 1, 1891, 109 convictions under the federal laws, and is unable to recommend the relaxation of their enforcement. At the same time, the advisability of granting statehood to Utah is emphatically denied. — In respect to the property of the Mormon Church, which by law was escheated to the United States, the Supreme Court, after having waited in vain for Congress to dispose of it, made in May a final decree as follows: Since there exist no trusts or purposes for which any part of the personal property could be used, and no person or corporation entitled to it, it ought to be devoted to such charitable uses as most nearly correspond to its former destiny, and it must remain in the hands of the receiver until some scheme shall be reported which shall satisfy the court as to its disposition.

II. AFFAIRS IN THE STATES.

ELECTIONS AND CONSTITUTIONAL CHANGES. — In **Rhode Island**, May 26, the legislature chose Republican state officers, there having been no majority in the popular voting in April. — **The Kentucky** election, August 3, resulted in the choice of Democratic state officers and of a legislature in which the Farmers' Alliance will have a strong if not controlling influence. The People's Party polled about 25,000 votes for its state ticket, but it was not strongly supported by the Alliance. The new state constitution was ratified by an overwhelming majority. — At a special election,

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August 11, five **constitutional amendments in Texas** were ratified by popular vote. They provided (1) for a registration of voters in the larger towns and cities, and for legislative changes in the ballot laws; (2) for an increase in the regular school fund; (3) for ten per cent as the maximum rate of interest and six as the rate where none is specified in the contract; (4) for greater facilities in the working of local option; and (5) for the creation of additional courts of appeal. — In **Delaware** a special election was held, May 19, on the question of calling a convention to revise the constitution. To authorize such a convention the constitution requires a majority in the affirmative that shall equal a majority "of the highest vote cast at any one of the three general elections next preceding the day of voting for a convention." The vote in May fell a few hundreds short of the number necessary under this provision, and consequently the convention movement failed. The last revision of the constitution was in 1831. — The controversies over the governorship in **Connecticut** and **Nebraska** have not yet been concluded. The former is before the supreme court of the state, the latter before that of the United States. — An important **change in the election laws of Michigan** was made by the legislature in May. It was enacted that Presidential electors, instead of being chosen on a general ticket for the state, should be elected by Congressional districts. The purpose and the result of the enactment is to make certain that the electoral votes of the state shall be divided among the various parties. An attempt at similar legislation in Nebraska failed.

BALLOT REFORM. — Five states have introduced the new system since the close of the last RECORD, namely, Colorado, Delaware, Illinois, California and Pennsylvania. Of these, the first three have embodied in their laws the features best calculated to insure absolute secrecy in voting; the laws of the other two fall short of what the friends of the reform desire. Colorado passed also a Corrupt Practices Act, requiring from both candidates and campaign committees a sworn statement, after election, of all expenditures made. Michigan and Minnesota have so amended the ballot laws passed by them two years ago as to introduce the most effective features of the new system. New constitutional provisions in Kentucky and Texas have made it the duty of the legislatures in these states to enact laws on the general lines of the Australian plan.

FARMERS' ORGANIZATIONS. — The most important question before the various conventions that met during the summer was as to the **attitude of the state Alliances toward the sub-treasury scheme**, as embodied in the Ocala platform of the national Alliance. Among the state organizations which indorsed the scheme were those of North Carolina, South Carolina, Alabama, Arkansas, Maryland, Virginia, Georgia and Tennessee, In Texas the subject caused a very lively struggle, and after a decision had been reached in the affirmative, the opponents of the scheme held a separate convention at Fort Worth. A national convention called by this latter met at St. Louis, September 15, and considered methods for opposing — but within the Alliance — the sub-treasury project. The Missouri organization is strongly committed against it. Much opposition has been manifested also to the third-party movement. Even where this movement is favored, care is taken to have it carried on

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wholly without the lines of the Alliance organizations. All that the latter can do is to advise their members as individuals to join the new party. — A paper which has come to be known as the "**Hold-your-wheat circular**" was distributed very widely among the farmers in the middle of the summer. On the basis of an elaborate exposition of the harvest situation in this country and abroad — an abundant crop here and almost total failure there — the circular pointed out how the farmer might secure all the advantage of this situation to himself and exclude the speculators to whom otherwise the gain would accrue: Let all Alliance members resolve not to market their wheat at less than, say, $1.35 per bushel, and let them use their best efforts to bring their neighbors outside the order to the same resolution. Each state Alliance should form a committee to keep itself informed as to the state of the world's markets and so to be able to advise the members as to the minimum prices that might be insisted upon. This action, it was pointed out, would be similar to a strike, but with this difference: "The workingman loses money every day the strike lasts, while the farmer will not lose anything, and if some should be inconvenienced for a few weeks for ready cash, they will surely not be poorer by it. The workingman cannot tell whether he will be successful and how long it will take him to enforce his demands, but the farmer will know that in a year like this he must be successful, for nothing can be substituted for his product, and that a few weeks must decide the war." Responsibility for the circular was denied by some officials high in the councils of the national Farmers' Alliance, but by others it was admitted that the document originated among the leaders, though it went forth without formal action by the executive committee, and was in the nature, not of command, but of information and advice to the members. There were some signs in August that the Kansas farmers were tending to act on the lines suggested by the circular. — A co-operative concern known as **the National Union Company** of New York, with an enormous capital, has been organized with the approval of Alliance authorities and has made much progress in absorbing the various local business enterprises established by the farmers in different states. In Kansas and Kentucky all the Alliance stores, doing a business of many millions, have been brought under the company's control.

THE THIRD-PARTY MOVEMENT. — Under the call mentioned in the last RECORD, the **National Union Conference** assembled at Cincinnati, May 19. Members of the various Farmers' Alliances predominated among the 1418 delegates present. Thirty-two of the forty-four states were represented, but Kansas sent 411 delegates and Ohio 317, while the total number sent by these states together with Illinois, Wisconsin, Nebraska, Indiana, Iowa and Minnesota was 1147, leaving only 271 for the rest of the country. From the Southern states came 113 delegates, of which, however, the three states, Kentucky, West Virginia and Texas, sent 98. The essential work of the convention consisted in the adoption of resolutions declaring that a new party, to be known as the People's Party, was necessary and formulating its principles, and the appointment of a national committee to look after the interests of the new organization. More definite action in reference to the Presidential campaign of 1892 was omitted, in view of the official call already issued by the Farmers' Alliance, the Knights of Labor and other

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organizations, for a conference next February. The national committee was directed to attend this conference, but in case no satisfactory arrangement could be made there, to call a nominating convention of the People's Party for June 1. The platform indorsed the St. Louis, Ocala and Omaha platforms of the Farmers' Alliances, summarizing them substantially as follows: Abolition of the national banks and adoption of the sub-treasury plan; free coinage of silver; prohibition of alien ownership of land; taxation that "shall not build up one interest or class at the expense of another"; revenues limited to the necessities of the government and honestly administered; a graduated income tax; rigid national control of the means of public communication and transportation, and government ownership, if necessary to remove existing abuses; the election of President, Vice-President and Senators by direct vote of the people. Several resolutions were passed, without incorporation in the platform, affecting interests of minor importance. Such were the recommendation of the question of universal suffrage to favorable consideration in the states and territories; a demand for an issue of treasury notes sufficient "to make the pay of [Union] soldiers equal to par with coin"; and an expression of belief in a legal eight-hour day. — In a number of states in which the farmers are strong, notably Iowa, Nebraska and Indiana, the new party has organized for the fall elections, but the general attitude is that of expectancy in view of the February convention of next year. The Ohio Alliance, in its convention May 28, resolved by a majority of one not to take steps toward nominating a state ticket.

LABOR INTERESTS. — The most conspicuous incident in this field has been the **resistance to convict labor** by the organized miners at Briceville, in eastern Tennessee. In consequence of some difficulties between the mining companies and their employees, the companies leased a large number of convicts from the state to do the work of the miners. The threats of the latter led to the calling out of a company of militia to guard the convicts. On July 20 a large force of miners and their sympathizers from the surrounding country, well armed and organized, surrounded the militia, loaded them and the convicts in cars and sent them to Knoxville. The governor called out all the state militia and by show of force induced the miners to allow the convicts to return, promising to summon the legislature to consider the convict-leasing system. The legislature met at the end of August, but could not agree upon any definite action in reference to the subject. Meanwhile, difficulties arose between the state and the companies in reference to the treatment of the convicts, and for a time work at the mines was at a standstill. When matters had resumed their normal course, suddenly, on the night of October 30, the miners appeared again at a convict camp, released the prisoners, furnishing them with plain clothes, and burned the stockade. The same process was repeated at other camps in the following days and when the RECORD closes some five hundred convicts are at large, while property to the value of many thousand dollars has been destroyed.

NECROLOGY. — July 4, Hannibal Hamlin, Vice-President of the United States, 1861-65; August 12, James Russell Lowell, the poet, and formerly minister to Spain and to Great Britain; August 21, Walter L. Bragg, member of the Interstate Commerce Commission.

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II. FOREIGN NATIONS.

INTERNATIONAL RELATIONS.—**The renewal of the Triple Alliance** was announced June 29. Though the old treaty had not yet expired, it was thought best to avoid the risk of negotiations at the last moment. The new alliance is to run for six years, but the precise character of the stipulations has not been revealed. Considerable attention was attracted in June to **the attitude of Great Britain** toward the continental powers. A question in the House of Commons drew from the Foreign Office the admission that notes had been exchanged at various times with Italy upon the subject of the common interests of the two governments in the Mediterranean, and that the preservation of the *status quo* in that sea had been recognized as of the highest importance to both. In some circles this admission was believed to indicate the existence of an understanding that in case of war Great Britain should protect the Italian coasts against the French fleets. Suspicions even were aroused that the British government was secretly gravitating toward the Triple Alliance, though any such tendency was officially denied. The visit of the German Emperor to England in the middle of July was made the occasion of effusive demonstrations of cordiality between the two powers. A response to this from the foes of the alliance was to be found in the extravagantly elaborate reception accorded to the French fleet on its visit to Kronstadt a few days later. The international comedy was ended by the entertainment of the French fleet at Portsmouth, on its return from Russia, and Great Britain was supposed to have re-established thus her position of impartiality in reference to the continental rivals. Much curiosity was excited by a visit of M. de Giers, the Russian Foreign Minister, to King Humbert of Italy, on October 13. Semi-official announcements gave the Eastern question and not the Triple Alliance as the chief subject of consultation.—The old **Dardanelles question** has reappeared in the field of international debate. Some friction has manifested itself for months past in connection with the passage of Russian vessels through the straits (see last RECORD). During the summer a vessel of the Russian volunteer fleet, carrying unarmed soldiers between Black Sea ports and Siberia, was subjected to arrest and detention by the Turkish authorities. On September 1 the Porte apologized for the act and paid an indemnity for molesting the ship, conceding the Russian contention that technically the ship was not a war-ship and the persons under transport were not military forces. This triumph of Russia excited much comment, especially in the British and Austrian press. It was held that the spirit, if not the letter of the treaties closing the straits to war-ships was violated; and that the precedent created would be utilized by Russia for securing further advantages. The Porte explained, in a circular note to the powers, that the understanding with Russia was purely a regulation of administrative details to avoid misunderstandings in the enforcement of Turkey's authority in the straits. The "volunteer fleet" concerned consists of merchant vessels constructed with special reference to conversion into armed cruisers in an emergency.—**In the Balkans** the summer passed in a tranquillity that occasioned general surprise. Russia found at least one opportunity to make the usual re-

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monstrance with the Sultan about his relations with Bulgaria. The young King of Servia was treated with ostentatious cordiality by the Czar at the Russian capital and was then passed on to receive similar courtesies from the Czar's good friends in France. On the other hand Prince Ferdinand of Bulgaria was accorded an interview at Vienna with the Austrian Emperor. Though it was announced that Ferdinand was received, not as ruler of Bulgaria, but as a prince of the house of Coburg, good memories recalled a time when Francis Joseph had refused to receive him at all, and inferences were made as to the likelihood of closer relations between the great and the lesser power. M. Tricoupis, formerly prime minister of Greece, excited some discussion by a visit to the Balkan states in June with the avowed purpose of sounding public sentiment on the subject of a Balkan confederation. The exceedingly strained relations of Servia and Bulgaria, and of their respective supporters among the great powers, gave a Quixotic cast to the undertaking. — A renewal of difficulty between Great Britain and Russia on the question of **boundaries in Central Asia** was indicated by events in October. The scene of the dispute now is the Pamir table-land, a lofty region of much strategical importance just where Afghan, Russian and Chinese territories meet. An English officer travelling in this region was compelled to withdraw by a Russian detachment which he met; and shortly after it was reported that the Russian and Chinese border authorities had been in collision. On the basis of old treaties made before the geography of the region was known, Russia claims the whole of the Pamir region, while Great Britain and China reject the claim. The official discussion of the matter is suspended till authentic reports of the exact situation can be obtained. — **Commercial negotiations** have formed during the summer an unobtrusive but highly important feature of diplomatic activity. The representatives of Germany and Austria-Hungary reached a conclusion to their labors May 3, though the terms of the treaty agreed upon were not made public. The two central powers thereupon opened a series of negotiations with their neighbors, which was believed in some quarters to forebode the commercial isolation of France, newly committed to a high-tariff policy. The results up to date, however, have not been important. Insurmountable obstacles were found in the way of a treaty with Switzerland, and the negotiations at Berne were definitely broken off in the middle of August. Immediately after this conferences began at Munich with the plenipotentiaries of Italy, but up to the close of the RECORD no result has been announced. On October 19 it was reported that negotiations between Germany and Belgium had been broken off on account of the latter's unwillingness to concede free entry to German agricultural products. — The long-standing difficulty between **Great Britain and Portugal** in reference to the Zambesi country in Africa was settled by the definite ratification of a treaty June 6. The boundaries established do not differ greatly from those fixed by the earlier treaty which Portugal rejected (see RECORD for December, 1890). The general principle of the adjustment was stated by Lord Salisbury as follows: "The territory that will come to Great Britain will be territory that can be worked and occupied by white men, while the territory that will fall to Portugal will not entirely, but more generally, be territory worked by those native auxiliaries of which she commands a considerable

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contingent." — **The work of the Anti-Slavery Conference** has encountered another threatening obstacle. As has been noted in this RECORD, the refusal of the Dutch plenipotentiaries to sign the "general act" was withdrawn at the last moment (December 30, 1890) and the act then went forth for ratification by the legislatures of the powers concerned. By July 2, the day fixed for the final signature and promulgation of the law, all the powers had ratified except France and Portugal. The French Chamber, by a large majority, referred the act back to the government for further examination, and Portugal declined to ratify unless all the other nations did. The chief French objection to the project of the conference was the extensive "right of search" given to war-vessels over suspected slavers. It was feared that the superior naval force of Great Britain might under color of this provision unduly harass French commerce in the East. A further possible influence was the right of pre-emption which France has by treaty over the Congo State in case Belgium is forced by financial stress to relinquish it. The chances of such relinquishment would be much diminished by the ratification of the act of the conference.

GREAT BRITAIN AND IRELAND. — **The session of Parliament** was brought to a close at an unusually early date, August 5. The most important work accomplished was the passage of the acts dealing with Irish land purchase and free education. In the first of these the debates effected very little modification in the provisions of the government's draft as previously outlined in this RECORD (June, 1890). Mr. Balfour adopted and carried through a suggestion of Mr. Parnell adjusting the conditions of apportionment among the counties so as to give greater advantages to the small as compared with the large holders, and the Lords secured in turn some minor concessions to the latter. The bill passed its third reading in the Commons June 15. — As to **free education**, the government's project, introduced June 8 by Sir William Hart Dyke, was designed to relieve parents from the payment of fees in elementary schools. It provided for a government grant annually of ten shillings each for the average number of pupils between the ages of five and fourteen years in any such school, on condition that fees exceeding this sum should be reduced by this amount, and fees not exceeding this should be abolished. Discussion of the measure centred chiefly about the question of its effect upon the voluntary schools, denominational and otherwise. Conservative opposition based on fear of danger to the religious interests in education was quickly overcome, and radical amendments designed to establish "popular control" in the assisted schools, as well as universal free education, were voted down in committee. With few amendments — the most important being the extension of age limits to three and fifteen years respectively — the bill passed the Commons July 8, and went into effect September 1. It is estimated that the additional annual outlay demanded by the new system will be about £2,000,000. — After the prorogation the government suffered severe loss by two **deaths in the cabinet**. Mr. Henry Cecil Raikes, the Postmaster-General, died after a short illness August 24, and Mr. William Henry Smith, First Lord of the Treasury and government leader in the House of Commons, who had been in bad health for many months, died October 6. Mr. A. J. Balfour, the Chief Secretary for Ireland, was appointed on Octo-

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ber 18 to succeed Mr. Smith as First Lord of the Treasury. This will make Mr. Balfour the Conservative leader in the Commons, and the Irish local government bill which is in preparation will be left to the care of his successor as Irish Secretary. — In view of the confidence felt in the success of the Liberals in the general elections next year, especial interest attached to the speech of **Mr. Gladstone at Newcastle**, October 4, before the National Liberal Federation. As to Lord Salisbury's foreign policy, the speaker in general approved it as the reverse of Lord Beaconsfield's, but hoped that Lord Salisbury would "relieve us from that burdensome and embarrassing occupation of Egypt, which, so long as it exists, must be a cause of weakness and a source of embarrassment." In internal affairs, Mr. Gladstone spoke favorably of local option in connection with the liquor question, and of disestablishment in Scotland and Wales, warned the House of Lords not to act upon Lord Salisbury's suggestion to block Home Rule if passed in the Commons, and took strong ground for reform of the "lodger franchise" and extension of "labor representation" in Parliament, insisting, in connection with the latter, upon the title of "men whose private means are inadequate to the performance of the public duty put upon them, to receive aid from the public treasury." As to Ireland, which he held must take precedence of all other subjects in the Liberal scheme, he rejoiced at the resolution of the government — rather tardy though it was — to fulfil its promise of a local government bill, but the reason for his rejoicing was that "every popularly-elected body in Ireland . . . will be a new focus of thought, you may say of excitement or of agitation, but of something or other which will tend in the direction of the fulfilment of the national wish." The government's bill, however, Mr. Gladstone believed, would be no real affirmation of the principle of equal rights, because it was already announced that the control of the police would not be granted to the Irish people, and local government in its essence he defined to be "a system devised for the purpose of enabling the inhabitants of each district to make provision for the security of their own lives and property." The address closed with an impassioned argument for Irish home rule in the fullest sense. — In Ireland the struggle between the two factions of the Nationalists continued with much animation, but the current set steadily against Mr. Parnell. An election in Carlow, July 7, resulted, like the two preceding electoral tests, in a decisive triumph for the anti-Parnellites; Messrs. Dillon and O'Brien, on their release from prison at the end of July, promptly proclaimed themselves opposed to the leadership of Parnell; and early in September the influential *Freeman's Journal*, of Dublin, which had remained faithful to the old leader, went over to the other side, confessing the impossibility of a leader whom the Catholic Church could not recognize. The sudden **death of Mr. Parnell** at Brighton, October 6, caused a great sensation in political circles, and the faction which had remained true to him sought to profit by the occasion to rouse popular sentiment against their adversaries, who they said had persecuted to death Ireland's greatest benefactor. The anti-Parnellite leaders were obliged, by fear of personal injury, to absent themselves from the funeral ceremonies at Dublin. Though serious trouble was expected, the obsequies passed off in perfect quiet. On the following day the Irish members of Parliament who

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had remained faithful to Parnell issued a manifesto announcing their determination to carry out the cause of their dead leader, but declaring that "with the men who are immediately responsible for the disruption of the National Party, who in obedience to foreign dictation hounded to death the foremost man of our race, we can have no fellowship." Mr. J. E. Redmond was a little later chosen leader to succeed Mr. Parnell, and thereupon resigned his seat for North Wexford and stood for the vacancy in Cork caused by Parnell's death. This RECORD closes in the midst of a most heated contest between the two factions for the Cork seat, in which the scenes of the Kilkenny election are repeated. Street fighting is of daily occurrence, the mutual denunciations of the leaders are of the most bitter character, and most of the prominent men, especially among the anti-Parnellites, have suffered physical injury. An unsuccessful attempt was made October 26 to destroy the building occupied by the leading anti-Parnellite journal in Dublin with a dynamite bomb. —The dissension in Nationalist circles has probably had some effect in the **decrease in agrarian disturbance.** On June 13, the government considered the situation such as to justify a relaxation in the pressure of the Crimes Act. Under the power given by the act itself the Lord Lieutenant issued a proclamation suspending the operation of the law in all parts of Ireland except the county of Clare and five baronies in Donegal, Galway and Tipperary. The operations of the Plan of Campaign were seriously affected by the rupture in the Nationalist party, particularly as the money on which the tenants were accustomed to rely was tied up through the hostility of Messrs. Parnell and McCarthy, in whose names the "Parliamentary Fund" was deposited in a Paris bank. In Tipperary, where the conflict on the Smith-Barry estate was still in progress, a large and influential part of the town tenantry came to terms and resumed their old holdings at the end of June. — According to the census taken, April 5, the population of Ireland was 4,706,162, a decrease of nine per cent in the last decade.

THE BRITISH COLONIES. — A change in the Dominion cabinet was caused by the death of Sir John Macdonald, the premier, June 6. A week later the Lieutenant-Governor decided to call upon the Hon. J. J. C. Abbott, the Conservative leader in the Senate, to head the ministry. There was no change in the political complexion of the cabinet and little in the personnel. The Parliament at Ottawa was in session all summer and until September 30. Among the measures adopted were the extension of the *modus vivendi* in reference to the privileges of American fishermen, a heavy reduction in the duty on sugar, and the reorganization of the legislature for the Northwest Territories, with considerable increase in its powers. Much time during the session was devoted to an investigation of charges of **corruption in the Department of Public Works**, involving many public officials. Gross frauds were disclosed and a member of the House of Commons from Quebec was expelled for his connection with them. Sir Hector Langevin, the Minister of Public Works, resigned while the investigation was going on, but the committee's report, as adopted by the house just before prorogation, exonerated him from criminality, while severely censuring his subordinates in the department. The result of **the Canadian census** taken during the summer was a great surprise. The figures of the total were

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4,823,344, an increase in ten years of but 11½ per cent. While the total increase was but half a million, the recorded immigration for the decade was a million, and the natural increase must have been twelve hundred thousand. The inference is that there has been a great movement of population from Canada into the United States. — **The discontent in Newfoundland** has been somewhat less acute than previously, but has by no means disappeared. On May 27, at the instance of the colonial delegates in London, the legislature at St. Johns passed — but with very poor grace — the so-called "coercion" bills necessary to enforce the *modus vivendi* and other treaties with France. Thereupon the bill pending in the British Parliament for the same end was withdrawn. In June the delegates visited France and arranged with the Foreign Office the outline of a plan through which, with satisfaction to all the interested parties, the adjudication of disputes on the coast should be assigned to some tribunal other than the naval commanders, as provided by the *modus vivendi*. During the fishing season there was the same series of incidents as in previous years to irritate the colonists. British lobster factories on the French shore were closed by the naval commanders, and on the other hand the strict enforcement of the colonial Bait Act, while harassing the French fishermen, at the same time caused great losses to the natives. — **In Australia** the ratification of the convention draft of the federal constitution has not yet been concluded. The leader of the movement, Sir Henry Parkes, premier of New South Wales, narrowly escaped defeat in a general election, but the question of federation did not enter largely into the campaign. In all the Australian colonies the Labor Party has shown itself a very powerful and well-managed organization, and it has to be reckoned with in all the political operations of the time. In the elections just mentioned in New South Wales, this party secured the balance of power in the legislature and employed their position to overthrow the cabinet of Sir Henry Parkes, October 17, because he refused to support an eight-hour law. The new minister, Mr. Dibbs, is an adversary of federation and in this finds many followers in the Labor Party. — The Manipur incident in India was terminated by the capture, trial and punishment, in the chief instance capitally, of the natives who were responsible for the outbreak. For the future Manipur was made a tributary state and received for its prince an infant member of the old royal family. Until the prince reaches his majority the administration will be wholly in the hands of a British Resident.

GERMANY. — **A grain scarcity** in the northeastern provinces of Prussia, accompanied by very high prices and very poor prospects for the next crop, led in May to loud demands from the Radicals, both in the press and in the Prussian legislature, for a decrease or total suspension of the import duties, at least on rye. On June 1, Chancellor Caprivi announced the resolution of the government not to act in the matter. Though prices continued to rise and the evident failure of the crop led Russia to prohibit the exportation of rye, the ministry, in the middle of August, issued an elaborate statement setting forth its reasons for still adhering to the position taken by the Chancellor. It was maintained that the crop prospects were not as bad as reported, that wheat would come in to supply the deficiency of rye, and that in view of the pending negotiations for commercial treaties any change

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in the corn tariff would be dangerous to home industry. In the army commissariat a practical outcome of the situation was the substitution for the ordinary rye bread of a compound of wheat and rye, which the Emperor, after trial, pronounced highly agreeable. A commissioner sent out by the United States Department of Agriculture met with some success in October in calling attention to the advantages of American Indian corn as a cheap and wholesome substitute for rye. — The session of **the Prussian Landtag** terminated June 21, after a duration of seven months. Of the many important measures introduced by the government the two most prominent that passed were those reforming the administration of the income tax and of the East Prussian rural communes. In the former the principle of self-assessment was introduced; in the latter the remnants of feudal authority in the great landholders were in a large degree abolished. The educational reforms to which the Emperor had so fully committed himself were not passed. — On September 22 a decree was published announcing a **relaxation of the passport regulations in Alsace-Lorraine**. The only persons still required to possess passports are foreign officers in active service, ex-officers or cadets of military schools, and all under forty-five years of age who have lost German nationality. — At the reassembling of the Bundesrath, October 10, an important measure considered was a bill for dealing in a large way with **the liquor question**. The Emperor is known to be deeply interested in this project, but it is understood that the representatives of the other states are not favorably impressed with the proposition as presented. Another evidence of the Emperor's interest in the moral welfare of his people was the issue, October 26, of a very strongly-worded rescript to his ministry demanding vigorous measures for the repression of certain phases of **the social evil**, especially in Berlin. Against the class of men who live by the earnings of prostitutes the police were directed to proceed without mercy, and were assured of the Emperor's gratitude and protection. The courts were warned not to be led astray by a false humanity, and were commanded to punish even first offences with the highest possible penalties. And finally it was declared that "measures must be taken to deal with those advocates . . . who make it their business to bring about the triumph of wrong by frivolous opposition." It is expected that a bill to embody some of the Emperor's ideas will be brought forward in the Reichstag. — **The Socialist-Democratic congress** at Erfurt, October 16–21, expelled from the party several extremists who opposed the system of peaceful political propaganda, and, in a session which won praise for its character from their enemies, formulated a platform for the party's guidance in national and state politics. — **Died**: October 6, King Charles of Würtemberg, after long illness and incapacity for actual government. He was succeeded by his son as William II.

FRANCE. — **The tariff debates** occupied most of the time of the Chamber of Deputies until the adjournment on July 18. The committee's draft prevailed over all attempts to modify it in principle, and the complete measure was adopted on the last day of the session by a vote of 387 to 110. As passed the bill applies to all the French colonies. It repeals the long-standing discrimination against American hog products and leaves them subject to the general duty of twenty francs per hundred kilos. An attempt under pressure of

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the American minister to put this particular provision immediately in force failed in the Senate. The fall session of the Chambers began October 15. The consideration of the tariff was immediately undertaken by the Senate. On October 30 that body agreed to the removal of the prohibition on American pork, but fixed the duty at twenty-five francs — a change which necessitated further consideration by the Deputies before the act could go into effect. — **The Freycinet cabinet** has maintained itself in spite of vigorous attacks by the remnants of the Boulangists and the Radicals. An interpellation from which much was expected was based on the betrayal of War Department secrets by which the composition of the new explosive, melinite, became known abroad. The government was sustained, however, June 22, by 338 to 137. A much more threatening crisis was produced July 17 by an unexpected vote adverse to the ministry on an interpellation touching the Alsace-Lorraine passport system. The Chamber, however, reversed its vote next day and M. Freycinet renounced his determination to reign. — The announcement that the opera Lohengrin would be presented in Paris in September was made the basis of great activity among Radical agitators and German-haters, and the production of the piece was once postponed, though ostensibly on account of an actor's illness. The actual first night of the piece, September 16, required the presence of a large force of police and military about the opera-house to keep in subjection the mob which gathered in the streets. — **The suicide of General Boulanger**, who shot himself on the grave of his mistress at Brussels, September 30, seems to have removed the last relic of a foundation on which the anti-republican factions in France can build. — **Labor troubles** have been conspicuous during the period under review. On May 1, at Fourmies on the Belgian frontier, several lives were lost in a conflict between laborers and the military. A general strike of stage-drivers in Paris, May 24, was terminated the next day by the companies conceding the demands of the men. The railway employees on the lines centring at Paris went on strike in the middle of July, but were ultimately obliged to return to work. — Ex-President Grevy died at Mont-sous-Vaudrey September 9.

AUSTRIA-HUNGARY. — **In the new Reichsrath** the formation of a secure majority proved to be beyond the powers of Count Taaffe. The attempt to formulate a reply to the Emperor's address resulted in three drafts — emanating from the German Left, the Young Czechs and the Pole-Conservative coalition respectively, — neither of which could command a majority of the committee. To escape the resulting deadlock a wholly novel expedient was resorted to, *viz.* the adoption of a simple resolution of thanks to the Emperor for his gracious address. In consequence of its insecure position the government avoided projects touching race excitabilities, and the session passed in the consideration of non-contentious measures, generally of an economic and social character. After a vacation lasting from July 16 to October 10, the Reichsrath reassembled and on the latter date the budget for 1892 was presented, promising a surplus of half a million florins. — The Emperor paid a visit to Bohemia in the latter part of September and while there indicated very clearly his disapproval of the Young Czech movement for autonomous government. On the night of his return a railway bridge over which his train was to pass was partially destroyed by an explosion a

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few hours before the imperial train was due there. The affair was supposed to be intended as a protest against the Emperor's expressions in Prague. — **The Hungarian Parliament** in August was the scene of violent disturbances caused by the Radicals in their opposition to the government's scheme of administrative reform. Count Szapary was ultimately obliged to withdraw his project, though he had a two-thirds majority behind him, and to content himself with the passage of a resolution approving the principle of the bill. The Radicals triumphed through obstruction. — The Hungarian budget, as presented October 7, looks to a surplus of 13,000 florins.

ITALY. — General absence of important incidents has characterized political life during the six months under review. **Parliament** remained in session until June 27, and was busied chiefly with schemes for regulating and improving the finances. On the occasion of Premier Rudini's definite announcement, at the end of the session, that the government would adhere unflinchingly to the Triple Alliance, the Radicals created such disturbance that the sitting had to be suspended. These energetic agitators had become so conspicuous outside the chamber that a week earlier the government issued a decree prohibiting the discussion of Italy's foreign relations in any public gathering in the kingdom. — A strong **anti-Papal demonstration** took place in Rome October 2, the anniversary of the plebiscite in 1870 by which the city became part of the kingdom. Many French pilgrims to the Vatican were in the city and one of them wrote "Vive le Pape" in the visitor's book at the tomb of Victor Emmanuel in the Pantheon, which on that day was the special resort of patriotic Italians. The action of the Frenchman was seized upon as an insult to the Italian king and kingdom, and the news as it spread created excitement which developed into a tumultuous expression of dislike for the Pope and for France. All the pilgrims in the city were made the victims of unpleasant proceedings, and the inmates of the Vatican were put in fear of serious violence. The incident caused a renewal of the discussion as to the withdrawal of the Pope from Rome. In France, the government ordered the bishops not to leave their dioceses without the government's permission and took other steps to discourage the pilgrimages. The Pope sent a circular note to the powers calling attention to the danger of his position, and declaring that the Pantheon incident proved a purpose on the Italian government's part to imprison him in the Vatican.

SPAIN. — **The Cortes** was in session till the middle of July, but adjourned without completing the government's large programme. The bills dealing with workingmen passed the Senate, but were not taken up in the lower house. In financial legislation greater results were reached. Bills passed under which the note issue was increased to about $300,000,000, the charter of the Bank of Spain was prolonged for thirty years in return for a large advance to the government without interest, and a new issue of four per cent bonds was authorized to the amount of $50,000,000. — A revolutionary outbreak occurred at Barcelona August 2, in which a little band of republicans attempted to surprise the garrison in their barracks, but were quickly overcome.

RUSSIA. — **The anti-Jewish policy** of the government was increased in severity by a decree late in April expelling from Moscow the artisan and

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merchant classes of Jews who had long been tolerated in the city and who formed an important element in its business life. In May an ordinance was issued forbidding Jews to observe the Hebrew Sabbath by closing their shops or refraining from work, and requiring them, on the other hand, to observe Sunday and the other holy days of the Greek Church. This shows clearly the religious basis of the anti-Jewish propaganda, and connects it with repressive measures which have lately been taken against other sects in the empire, notably the Stundists. Foreign governments have assumed an attitude of watchfulness in respect to the vast emigration which Russia's severe measures have caused, and not only the continental neighbors of the empire, but also Great Britain and the United States have taken administrative precautions against the influx of the destitute people. Private charity has planned and to some extent carried out projects for settling colonies of the refugees in thinly populated regions, like Palestine and parts of South America. — **Short crops and famine** were foreseen in the summer, and on August 11 a decree was issued prohibiting the exportation of rye and rye meal through the ports of the Baltic, the Black Sea and the Sea of Azof, or over the western frontier. This was followed about November 1 by the same prohibition on all cereals and their products except wheat. Much suffering among the peasantry was reported in September and the Ministry of the Interior announced that thirteen governments were completely famine-stricken and that in seven or eight others partial famine prevailed. It was estimated in October that 32,000,000 peasants were destitute and would have to be supported for ten months. Elaborate schemes of relief have been organized in the cities and towns, and the Czar has decided that the money usually expended for court balls during the winter shall be devoted to the sufferers. — **The finances of the empire** have been the subject of much discussion. A new conversion loan which was announced in the spring was suddenly postponed indefinitely, and rumor connected the abandonment with the Rothschilds' anger at the government's anti-Jewish policy. In the middle of September the loan was again announced, but through other bankers. Popular sentiment and official influence in Germany were both strongly adverse to the investment, while Russophile enthusiasm worked strongly in its favor in France. Only a part of the amount offered was subscribed for in the time set and an extension was necessary. An announcement in October that the whole $100,000,000 had been subscribed for was received with some scepticism. It was reported that the police had notified the bankers that no dealings with or through the house of Rothschild would be permitted in Russia.

MINOR EUROPEAN STATES. — A change of ministry at Constantinople was announced September 4. As Grand Vizier, Kiamil Pasha was replaced by Djevad Pasha, governor of Crete. The new cabinet announced a determination to adhere to the policy of its predecessors in both internal and foreign affairs, but to throw more energy into the administration. An insurrection in Yemen, in southwestern Arabia, held its own during the summer months against the Turkish troops, but early in October was reported to have been completely quelled. Later reports through other than Turkish sources make the situation a little more doubtful. — **The general elections in Norway**, October 8, resulted in gains for the Radicals, but not

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to such an extent as to render practicable Premier Steen's policy of securing a foreign office distinct from that of Sweden. — **Portugal's new ministry** was announced May 22, with Chrysostomo at its head. The desperate financial straits of the government formed the chief topic in its programme, and unrelenting economy was promised. The state of the nation's credit is illustrated by the fact that a recent loan was secured on three per cent bonds taken at fifty-four per cent discount. — **The forcible expulsion of Queen Natalie from Servia** was resolved upon by the government, May 18, in accordance with a resolution of the Skupschtina. A popular uprising in the streets of Belgrade frustrated the first attempt to put her on a train, though not without hard fighting and the loss of several lives. The second attempt, before daylight the next morning, was successful, and the Queen was conveyed across the frontier into Hungary. She is prohibited from again entering Servia before the King has reached his majority.

AFRICA. — **A change in the Egyptian ministry** was brought about by the resignation of Riaz Pasha, May 12. The new cabinet was formed under the presidency of Mustapha Pasha Fehmy. It was considered that the retirement of Riaz Pasha was favorable to the progress of administrative reform which British influence was promoting. — **A disaster to the Germans** in East Africa occurred August 17. A strong column which had been sent inland was annihilated by a native tribe; all the German officers and native troops were slain and the ammunition and stores captured. November 1 word was received from Emin Pasha, who was conducting a German expedition into the interior, that he was on his way to visit the King of Ruanda — a proceeding which was likely to take him beyond the defined sphere of German influence. The German government promptly notified Great Britain that it repudiated responsibility for any of Emin's movements that encroached on the British sphere. — During May, before the treaty arrangements between Great Britain and Portugal were definitely carried out, there were several **conflicts in the Zambesi country** between the Portuguese and the forces of the British South Africa Company, and a number of lives were lost. The possession of valuable mining regions and important water-ways was the subject of dispute. — Friction between **France and Morocco** developed in October on the question of claim to the Oases of Touat in the Sahara. The Sultan claims the land by virtue of the tribute voluntarily paid to him by its inhabitants; the French claim rests on the recent partition of Africa among the European powers and on the *hinterland* doctrine recognized therein. A French force has been ordered to occupy the territory.

CHINA. — A series of **anti-Christian riots** in the valley of the Yang-tse-Kiang has covered nearly the whole of the last six months. Beginning at Wuhu, on May 12, with the destruction of a French Catholic mission, riotous demonstrations took place in a large number of towns and much foreign property was destroyed, chiefly that of missions aud consulates. In only one case, at Wusueh, are lives reported lost, but many Europeans have been maltreated, and all have been obliged to take refuge under naval protection. A large foreign naval force gathered promptly at Shanghai, and war-ships were despatched up the river to all the disturbed points. Early in September rioting was reported at Ichang, on the Yang-tse-Kiang, far above where it is navigable

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to men-of-war, and signs of uneasiness were noted even further in the interior. The mobs were incited to their work by widely circulated stories of child-murder and other atrocities in the missionary convents and schools. It is believed that in many cases the riots are the work of secret societies bent on disturbance for political ends. The Chinese local authorities did not in every instance show great zeal in maintaining order. Diplomacy at Pekin brought very strong pressure to bear upon the imperial government in favor of vigorous action, but until fall the security of foreigners in the disturbed regions depended chiefly on the European and American vessels. Indemnity has been offered for the property destroyed, and a number of rioters, with some of the delinquent officials, have been punished; but the Chinese government has insisted on the importance of proceeding with caution, lest a general insurrection should be provoked. The theory of political schemes at the basis of the disturbance is supported by the discovery of large shipments of arms to the secret societies. A British subject named Mason was convicted of implication in this affair. A note to the powers, September 25, announced the despatch of a strong naval force to patrol the Yang-tse-Kiang and expressed no doubt of the government's ability to cope with attempts at fresh breaches of the peace. Great Britain and Germany, replying in an identical note, accepted the assurance of China's good intentions, but declared that they must consult their ambassadors at Pekin as to the ability of the government to carry out its intentions. Only the evidence of accomplished facts would be entirely satisfactory.

SOUTH AMERICA. — **The civil war in Chili** has reached a conclusion in the triumph of the Congressional party. An attempt at mediation in the first week in May by the diplomatic representatives of France, Brazil and the United States failed. Balmaceda, on the ground of an attempt to assassinate two of his cabinet, withdrew the safe-conducts given to the envoys of the Congress, and the lives of the latter were only saved by the protection of the foreign ministers. Each party devoted much energy during the summer to securing favor and supplies abroad. Hostilities were desultory, the Congressional party contenting themselves with the extreme northern provinces which they held. In the middle of August, however, a decisive struggle began. On the 20th the Congressists, by means of their fleet, landed a strong force on the coast about twenty miles north of Valparaiso. In a series of pitched battles they defeated Balmaceda's army and on the 29th were masters of the city. Pressing their victory they secured Santiago, the capital, the next day, and Balmaceda disappeared. With very little disorder or confusion the Congressional Junta assumed the functions of provisional government and issued orders for elections to restore administration under the constitution. The country very quickly resumed its normal quiet. On September 20, the missing Balmaceda committed suicide at the Argentine legation in Santiago, where he had been in concealment since the ruin of his cause. The general elections took place October 18 and resulted in a victory for the Liberals in both Presidential and Congressional contests. — **The political situation in Brazil** has not been altogether satisfactory. President Fonseca has caused much complaint by the rather arbitrary character of his administration. Several important provisions of the new constitution have been wholly dis-

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regarded on the ground that no legislation has been passed to put them into effect. A regular party of opposition to the government has been organized — the Republican Constitutional Party. The Congress met early in July, but made little progress in important work, the opposition claiming that sufficient information was not furnished by the government, and that the latter was seeking to encroach on the sphere of the legislature. The financial situation in **the Argentine** has remained very bad, and the difficulties here have probably caused the disinclination of leading men to become candidates for the presidency at the approaching elections. A cabinet crisis October 17 resulted in the withdrawal of General Roca, a popular minister, from the ministry, and since then the situation has been regarded as critical, owing to the unsettled state of public feeling. — **A bill of rights for Venezuela** was enacted at Caracas in September. It contains very full guarantees for the equal enjoyment of civil and religious rights by all citizens, and ordains legal punishment upon "any one who shall enact, sign, execute or cause to be executed any decree, order or resolution which violates or infringes upon these guarantees." The measure seems aimed at such dictatorial authority as has been exercised by recent presidents. — Revolutionary outbreaks were reported during October in both Paraguay and Uruguay, but in both cases they were quickly suppressed by the governmental forces. The deplorable state of the finances in Uruguay is responsible for the trouble there.

MEXICO AND CENTRAL AMERICA. — A revision of the Mexican tariff on a large scale was completed in September. Considerable advance was made on many products of the United States and a commissioner was appointed to negotiate a reciprocity treaty with our government. — The scanty intelligence received during the period under review from **the Central American republics** has related almost exclusively to revolutionary disturbances. Abortive insurrections have been reported in Honduras and Costa Rica. The government of Nicaragua in August banished a number of leading citizens on the ground of implication in a conspiracy. In Guatemala President Barillas excited much ill-feeling by manifesting a willingness to be a candidate for re-election, though the constitution explicitly makes an incumbent ineligible to succeed himself. An attempt of the San Salvador authorities to take from an American steamer, in one of their ports, a party of political refugees who happened to be passengers, was frustrated by the steamer's putting to sea without papers. A possible repetition of the Barrundia incident (see RECORD for June, 1891, p. 379) was thus avoided. — **In Hayti** an attempt at revolution was made at Porte-au-Prince May 28. President Hippolyte promptly suppressed the movement and took merciless vengeance on all suspected of complicity in it. In pursuing his victims he was only restrained from invading the Mexican consulate in which they had taken refuge by the earnest protests of the whole diplomatic corps.

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